



Via USPS Express Mail

June 9, 2011

US EPA Region 5
c/o Grace Co
77 West Jackson Blvd., (SE-5J)
Chicago, IL 60604

RE: Flexible Foam Products; Request for Information, Received May 10, 2011, Pursuant to Section 104(e) of CERCLA for Lusher Street Groundwater Contamination Site, Elkhart, Indiana.

To Whom It May Concern:

This letter is provided in response to the request for information issued by the United States Environmental Protection Agency pursuant to Section 104(e) of CERCLA for Lusher Street Groundwater Contamination Site, Elkhart, as more particularly described in Enclosure 4, Information Requests, of the above-referenced document. Paragraph references below are responsive to the questions posed in **Enclosure 4**.

1. Flexible Foam Products, Inc. ("Flexible Foam") purchased certain operating assets located at 1900 Lusher Ave., Elkhart, IN ("Facility") on or about October 15, 1986 from Indiana Foam, Inc. A copy of that certain Asset Purchase Agreement, dated September 27, 1986, is attached hereto as **Exhibit A**. The real estate, and building located thereon, which comprise the Facility, was purchased contemporaneously with the purchase of assets from NHF Realty Company (no copy of the agreement was found) by Ohio Decorative Products, Inc. ("OD"), the parent company of Flexible Foam, and subsequently leased (oral, month to month lease) by OD to Flexible Foam from date of closing to July 31, 1997. On August 1, 1997, OD sold the Facility to Moeller Land & Cattle Company, Inc., which entered into that certain Building Lease Agreement, a copy of which is attached hereto as **Exhibit B**.

2. Flexible Foam used only the chlorinated solvents listed below at the Facility from and after its acquisition of the Facility in 1986 until approximately the year 2000. Factual information provided in response to this question related to usage of chlorinated solvents at the Facility was obtained from Tom Teach and Karl Baier

Methylene Chloride

Methylene chloride was used from approximately 1986 to around the year 2001, when the manufacturing process eliminated the use of Methylene chloride in favor of carbon dioxide (Flexible Foam received a Indiana Governor's Award for Excellence in Pollution Prevention from the State of Indiana for its efforts to eliminate methylene chloride from its manufacturing process).

- a) Methylene Chloride,
liquid,
CAS No.: 75-09-2;
Molecular Weight: 84.93;
Chemical Formula: CH₂Cl₂

US EPA RECORDS CENTER REGION 5



412914

- b) Methylene chloride was likely supplied by several vendors who are unknown to the responder to this inquiry at this time. Based upon telephone discussions with EPA personnel during preparation of this response, it was indicated that methylene chloride, while a chlorinated solvent, is not one of the compounds focused on in this groundwater contamination investigation and information related to quantities used is not addressed in this response, subject to our understanding that this information may be sought by EPA in the future. Further, purchasing and chemical usage records are not available at the Facility for time periods prior to 2006, according to Jack Egan, the Facility controller. Invoices from vendors providing this material may be available in storage facilities at Flexible Foam's central office in Spencerville OH; however, according to Susan Wolford, an central office employee of Flexible Foam, in order to retrieve such records one would need to know the name of the vendor as these invoices are filed alphabetically on a quarter-annual basis and the invoices generated by purchases at the Facility are comingled with purchasing records from all other Flexible Foam divisions operating at the particular time for which records are sought.
- c) Methylene chloride was purchased in bulk, delivered to the Facility by common carrier and offloaded into indoor steel tanks with concrete secondary containment. It was used as a raw material in the manufacture of polyurethane foam as an auxiliary blowing agent. The function of the auxiliary blowing agent was to cool the exothermic reaction of the various chemicals employed in the manufacture of polyurethane foam in order to prevent heat-related scorching. The liquid methylene chloride is consumed in the manufacturing process and off-gasses from the foam and is exhausted through roof vents or stacks, in accordance with existing permits issued by Indiana Department of Environmental Management (records relating to Facility discharges are reported in accordance with applicable law on an annual basis).
- d) volumetric information regarding purchase and usage of methylene chloride are not presently available (and may not be capable of being precisely determined). See response in b) above.

e)	Name of Supervisor	Job Description	Time Period Employed
	Tom Teach	Plant Manager- responsible for overall manufacturing, sales, safety and administrative operations NOTE: Teach was, prior to his employment, a principal shareholder of Indiana Foam, from whom the manufacturing assets were purchased by Flexible Foam in 1986, see response in Section 1 above.	October 15, 1986 to 1991
	Loren Dahlberg	Plant Manager	1991 to 1997
	Jerry Eagon	Plant Manager	1997 to 2001
	Karl Baier	Foam Line Manager- responsible for purchasing of raw materials and polyurethane foam production	October 15, 1986 to 2001

Adhesives

According to Tom Teach, an adhesive was used in the fabrication of foam materials contained a solvent carrier, 1,1,1-trichloroethane. This glue was supplied in drums and was stored and used inside the building at the Facility.

- a) 1,1,1-Trichloroethane adhesive
Viscous liquid with latex
CAS No.: 71-55-6
Molecular Weight: 133.40;
Chemical Formula: $C_2H_3Cl_3$ or CH_3CCl_3 .
- b) Adhesive is believed to have been supplied by Imperial Adhesives, located in Cincinnati, OH. Purchasing and chemical usage records are not available at the Facility for time periods prior to 2006, according to Jack Egan, the Facility controller. Invoices from vendor providing this material (1986-1991) may be available in storage facilities at Flexible Foam's central office in Spencerville OH; however, according to Susan Wolford, an central office employee of Flexible Foam, one will need to review all accounts payable data for the time periods 1986-1991 (assuming such information can be located). Because of the fact that these records are at least 20 years old, and because of the considerable burden in trying to locate such records, no information has been located to confirm the vendor information.
- c) 1,1,1-trichloroethane – based glue was purchased in 55-gallon drums. Based upon inquiry it is believed that the solvent- based adhesives were pumped from the drums and applied by was of an application spray gun to foam materials for the purpose of adhering materials to the foam.
- d) volumetric information regarding purchase and usage of methylene chloride are not presently available (and may not be capable of being precisely determined). See response in b) above.

e)	Name of Supervisor	Job Description	Time Period Employed
	Tom Teach	Plant Manager- responsible for overall manufacturing, sales, safety and administrative operations NOTE: Teach was, prior to his employment, a principal shareholder of Indiana Foam, from whom the manufacturing assets were purchased by Flexible Foam in 1986, see response in Section 1 above.	October 15, 1986 to 1991

- 3. Small waste oil tank under the garage floor – Facility had an onsite mechanic many years ago who performed repairs work on vehicles. The tank was removed approximately 10 years ago when the garage was removed to make way for an expansion to the main building.

1992- I commenced employment with Flexible Foam in March, 1992. Shortly thereafter I visited the Facility and found some drums of waste material located on the exterior west side of the building. I do not recall finding any solvents but I do recall there was soil stained with non-hazardous dye. I recall hiring a clean-up firm to excavate soils stained with dyes and, as part of the excavation process, numerous samples were bagged and "sniffed" with a PID. All samples were negative to the PID sniff and the excavated soils shipped to a non-hazardous landfill for disposal. The area was then backfilled with clean soil. A drawing, identified as **Exhibit C**, is included for reference to the location.

4. Based upon inquiry, neither Tom Teach nor Karl Baier has any knowledge of any spills or releases of chlorinated solvents at the Facility.

5. Copies of copies of all local, state, and federal environmental permits ever granted for the Facility operated and leased within the boundaries of the Site are set out in **Exhibit D** included in the documents requested by the Information Request which this document responds.

6. In addition to the persons specifically identified in responses to Section 2 above, former and current employees of Flexible Foam during the relevant time periods noted above for uses of methylene chloride and solvent-containing adhesives may have information regarding the history, use, purchase, storage, treatment, disposal, transportation or handling of any materials containing chlorinated solvents. As to matters relating to adjoining or neighboring facilities operations, there is no current information available.

7. Based upon inquiry as to those persons identified in Section 2 above, Flexible Foam has no knowledge of any leak, spill or release from any Person located within the Lusher Street Groundwater Contamination Site.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

FLEXIBLE FOAM PRODUCTS, INC.



Curt Baker, CHMM
Corporate EHS Director,
Email: cbaker@flexiblefoam.com,
Mobile: 1-423-322-3767

Schedule of Exhibits to Response of Flexible Foam Products, Inc.

Exhibit A	Asset Purchase Agreement, dated September 27, 1986 Responsive to Enclosure 4, Question 1	
Exhibit B	Building Lease Agreement, dated August 1, 1997 Responsive to Enclosure 4, Question 1	
Exhibit C	Drawing of Location Where Waste Drums Found	
Exhibit D	Various Permits Issued to Flexible Foam with respect to Facility at 1900 Lusher Ave., Elkhart, IN.	
(1)	Federally Enforceable State Operating Permit (FESOP)	Issuer: IDEM – Office of Air Quality Permit #: F039-22398-00055 Issued: 3/2/2007 Expires: 3/2/2012 Issuer: IDEM – Office of Air Quality Permit #: F039-145825-00055 Issued: 10/6/2001 Expired: 10/6/2006
(2)	Part 70 Operating Permit (Title V Air Permit)	Issuer: IDEM – Office of Air Quality Permit #: T039-6058-00055 Issued: 9/23/1998 No expiration date is given on the permit.
(3)	U.S. EPA Identification Number	EPA ID#: IND990872913
(4)	General NPDES Permit by Rule (Stormwater)	Issuer: IDEM – Office of Water Quality Permit #: INR230138



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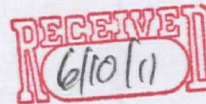
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Exhibit A

ASSET PURCHASE AGREEMENT

THIS AGREEMENT is entered into this 27th day of September, 1986, by and between INDIANA FOAM, INC., an Indiana corporation with its principal office at 1900 West Lusher Avenue, Elkhart, Indiana 46517 (the "Seller"); FLEXIBLE FOAM PRODUCTS, INC., an Ohio corporation with its principal office at _____ (the "Purchaser"); and OHIO DECORATIVE PRODUCTS, INC., a _____ corporation with its principal office at Spencerville, Ohio ("Ohio Dec"), the owner of all the outstanding shares of the Purchaser, upon the following terms and conditions:

Section 1. Sale of Assets. At the Closing (as hereinafter defined) and upon the terms and subject to the conditions set forth in this Agreement, the Seller shall sell to the Purchaser, and the Purchaser shall purchase from the Seller, the following assets (the "Purchased Assets"):

(a) Machinery and Equipment. The machinery and equipment listed on Schedule 1(a) attached hereto.

(b) Tools and Dies. The tools and dies listed on Schedule 1(b) attached hereto.

(c) Leasehold Improvements. The leasehold improvements owned by the Seller at 1500 West Lusher Avenue and 1900 West Lusher Avenue, Elkhart, Indiana.

(d) Inventory. All inventory, including finished goods, work in process and raw materials, of the Seller as of the Closing Date.

(e) Accounts Receivable. All trade accounts receivable of the Seller as of the Closing Date (the "Accounts"). The name of the account debtor, date of each invoice outstanding as of September 26, 1986, and amount due on each such invoice shall be set forth on Schedule 1(e) and attached hereto, prior to the Closing.

(f) Cash on Hand, Prepaid Items. All cash on hand or on deposit and all prepaid expenses as of the Closing Date.

(g) Name. The name "Indiana Foam". The Seller shall not use such name in its business from and after the Closing Date; provided, however, that the Seller shall not be required to file with the Secretary of State of Indiana Articles of Amendment of its Articles of Incorporation to change its corporate name until the date of final payment of the Note described in Section 2(a) hereof, and in the event of any default by the Purchaser under the Note or under the Assumption Agreement described in Section 2(b), the Purchaser shall thereby forfeit all its right, title and interest in and to said name and all ownership rights with respect thereto shall revert to the Seller.

(h) Contracts and Other Commitments. All rights of the Seller in, to and under all contracts, leases, purchase orders and other commitments made in the ordinary course of business prior to the Closing Date.

(i) Life Insurance. The Seller's right, title and interest in the policies of insurance owned by Seller on the lives of Thomas A. Teach and Eddie R. Harrison, the cash surrender values of which are set forth on Schedule 1(i) attached hereto.

Section 2. Purchase Price and Payment.

(a) Amount and Manner of Payment. The purchase price for the Purchased Assets described in Section 1 hereof (the "Purchase Price") shall be the total of (i) \$1,800,000, of which \$100,000 shall be paid by the application to the Purchase Price of the payment described in Section 6 herein, and the remainder of which shall be payable by the execution and delivery by the Purchaser to the Seller of an Installment Promissory Note in the form attached hereto as Exhibit 2.1 (the "Note") and, (ii) the liabilities assumed as provided in (b) below. The payment of the Note is to be unconditionally guaranteed by Ohio Dec pursuant to a Guaranty in the form attached hereto as Exhibit 2.2 (the "Guaranty").

(b) Assumption of Liabilities. The Purchaser will execute and deliver to the Seller an Assumption of Liabilities (the "Assumption Agreement") in the form attached hereto as Exhibit 2.3.

(c) Allocation of Purchase Price. There shall be allocated to the current assets and the life insurance policies an amount of the Purchase Price equal to the book value of such assets as of September 26, 1986, as reflected in the balance sheet of the Seller as of that date prepared in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year (the "Closing Balance Sheet"), and the balance of the Purchase Price shall be allocated to the machinery, equipment and leasehold improvements included in the Purchased Assets.

(d) Adjustments to Purchase Price.

(i) In the event that prior to the date for final payment of the Note the Purchaser is called upon to pay liabilities of the Seller pursuant to the Assumption Agreement (the "Liabilities") in an aggregate amount which exceeds the sum of (x) the amount of the Seller's current assets as set forth in the Closing Balance Sheet plus (y) the cash surrender values of the life insurance policies as set forth on Schedule 1(i) plus (z) \$700,000, then the Purchaser shall be entitled to set off such excess against the next installment(s) due and payable under the Note, but the Seller shall have no other liability to the Purchaser with respect thereto.

(ii) In the event that any invoice representing an account is not collected in full within 90 days from the date thereof as set forth in Schedule 1(e), the uncollected amount shall be charged against the reserve for doubtful accounts as set forth on the Closing Balance Sheet (the "Reserve"). If the aggregate of such uncollected amounts exceeds the Reserve, and if such excess (when added to the amount by which the Liabilities exceed the sum of the Seller's current assets as set forth in the Closing Balance Sheet plus the cash value of the life insurance policies as set forth on Schedule 1(i)) is an amount greater than \$700,000, then the Purchaser shall be entitled to set off such excess in excess of \$700,000 against the last installment(s) due and

payable under the Note (the "Setoff Amount"), but the Seller shall have no other liability to the Purchaser with respect thereto.

(iii) In the event that any Account giving rise to the Setoff Amount is paid subsequent to 90 days from the date thereof, the Setoff Amount shall be reduced by an amount equal to the amount of such payment; and if such payment occurs subsequent to the date of final payment of the Note, such amount shall be paid over by the Purchaser to the Seller.

Section 3. Conditions to Closing. The obligations of the Seller and the Purchaser to consummate and effect the transactions contemplated by this Agreement shall be subject to the delivery by the other party of the documents specified in Section 4 and to the following conditions:

(a) The obligations of Purchaser and Ohio Dec shall be subject to the performance by NHF Realty Company of its obligations under the Contract For Purchase and Sale of Real Estate between Ohio Dec and NHF Realty Company of even date herewith, relating to the acquisition by the Purchaser of the real estate located at 1900 West Lusher, Elkhart, Indiana.

(b) The obligations of the Purchaser and Ohio Dec shall be subject to the delivery at the Closing by the lessor of the Seller's premises at 1500 West Lusher, Elkhart, Indiana, of a consent to the assignment of the lease to the Purchaser.

(c) The obligation of the Seller shall be subject to the delivery at the Closing by the Purchaser of proof of the payment in full of the Seller's obligations to Midwest Commerce Banking Company pursuant to the loan agreements of various dates, and of the release by Midwest Commerce Banking of its security interests in the assets of the Seller and the release of the mortgage dated March 29, 1985 executed by NHF Realty Company in favor of Midwest Commerce Banking Company for all indebtedness owed Midwest Commerce Banking Company by Seller, which mortgage was recorded in Mortgage Record 551, page 279 in the office of the County Recorder of Elkhart County, Indiana, at or prior to the Closing.

Section 4. The Closing. The closing of the transactions contemplated by this Agreement (the "Closing") shall take place as soon as practicable following September 26, 1986, but in any event no later than 10:00 a.m. on October 15, 1986, at the offices of Midwest Commerce Banking Company, Elkhart, Indiana, or at such other place and time as may be agreed upon by the parties. The following deliveries shall be made at the Closing:

(a) Deliveries of the Seller to the Purchaser.

(i) A Bill of Sale for the Purchased Assets in the form of Exhibit 4.1 attached hereto.

(ii) Such other instruments and documents related to the transfer of Purchased Assets as the Purchaser may reasonably request.

(iii) A certificate of the President, Treasurer and Secretary of the Seller as to the taking of all necessary corporate action relating to the authorization of this transaction by the board of directors and shareholders of the Seller, including copies of the minutes or consents pursuant to which such action was taken, and as to the absence of any conflict between this Agreement and any other instrument or document to which the Seller is a party.

(iv) An Agreement to Not Compete duly executed and delivered by Donald L. Frandsen, the Purchaser and Ohio Dec, in the form attached hereto as Exhibit 4.2.

(v) An Agreement to Not Compete duly executed and delivered by the Seller, the Purchaser and Ohio Dec, in the form attached hereto as Exhibit 4.3.

(b) Deliveries of the Purchaser to the Seller.

(i) The Note, duly executed on behalf of the Purchaser.

(ii) The Guaranty, duly executed on behalf of Ohio Dec.

(iii) The Assumption Agreement, duly executed on behalf of the Purchaser.

(iv) A Security Agreement in the form attached hereto as Exhibit 4.4, duly executed on behalf of Purchaser (the "Security Agreement").

(v) A Financing Statement(s) with respect to the Collateral (as described in the Security Agreement) duly executed on behalf of the Purchaser.

(vi) A certificate of the President, Treasurer and Secretary of the Purchaser and of Ohio Dec as to the taking of all necessary corporate action relating to the authorization of this transaction by the boards of directors and shareholders of the Purchaser and of Ohio Dec, respectively, including copies of the minutes or consents pursuant to which such action was taken, and as to the absence of any conflict between this Agreement and any other instrument or document to which the Purchaser or Ohio Dec, respectively, is a party.

Section 5. Payment of Expenses. The expenses incurred by Seller in connection with this transaction, including legal and accounting fees, shall be paid by Seller prior to the Closing.

Section 6. Access and Knowledge. Simultaneously with the execution of this Agreement, the Purchaser has paid to the Seller \$100,000 by certified or bank cashier's check, which amount shall be non-refundable to the Purchaser except upon the occurrence of either of the following events:

(a) The breach by the Seller of any of the obligations required of it hereunder after notice thereof given by the Purchaser to the Seller and the failure of the Seller to have cured such breach within twenty days following the receipt of such notice; or

(b) If, following a review by the Purchaser of the Liabilities, the Purchaser shall reasonably determine prior to the Closing Date that the Liabilities exceed the sum of (x) the amount of the Seller's current assets as set forth in the Closing Balance Sheet plus (y) the cash surrender values of the life insurance policies as set forth on Schedule 1(i), plus (z) \$700,000.

The \$100,000 payment provided for herein shall be applied to the Purchase Price at the Closing as set forth in Section 2. In consideration of such payment, the Purchaser and its representatives (including, but not limited to, attorneys and accountants) may examine all inventories, plant facilities, books, records, agreements, patents, permits, and any other assets or properties related to the Seller's business as the Purchaser may reasonably request. The Purchaser is relying entirely upon its own inspection and examination with respect to the nature and quality of the Purchased Assets and is acquiring the Purchased Assets "as-is, where-is" with no warranty or representation of the Seller, express or implied, with respect thereto except that the Seller warrants only that it has clear and marketable title to all of its assets, subject to no mortgage, pledge, lien, encumbrance or security interest of record other than the security interests listed on Schedule 6(a) attached hereto and made a part hereof. All documents, information and materials that the Seller makes available to the Purchaser hereunder are to be held by the Purchaser in confidence; in the event that the transactions contemplated by the Agreement are not consummated on or before October 15, 1986, all such material shall be promptly returned to the Seller.

Section 7. Conduct of Business Prior to Closing. Prior to the Closing, the Seller shall conduct its business and affairs only in the ordinary course and consistent with its prior practice and shall maintain, keep and preserve its assets and properties in good condition and repair and maintain insurance thereon in accordance with present practices.

Section 8. Notices. Any and all notices or other communications required or permitted to be given under any of the provisions of this Agreement shall be in writing and shall be deemed to have been duly given when mailed by certified mail, return receipt requested, addressed to the parties at the addresses set forth above (or at such other address as any party may specify by notice to all other parties given as aforesaid).

Section 9. Miscellaneous.

(a) This writing constitutes the entire agreement of the parties with respect to the subject matter hereof and may not be modified, amended or terminated except by a written agreement specifically referring to this Agreement signed by all of the parties hereto.

(b) No waiver of any breach or default hereunder shall be considered valid unless in writing and signed by the party giving such waiver, and no such waiver shall be deemed a waiver of any subsequent breach or default of the same or similar nature.

(c) This Agreement shall be binding upon and inure to the benefit of each party hereto, its successors and assigns.

(d) The paragraph headings contained herein are for the purposes of convenience only and are not intended to define or limit the contents of said paragraphs.

(e) This Agreement may be executed in one or more counterparts, all of which taken together shall be deemed one original.

(f) This Agreement and all amendments thereof shall be governed by and construed in accordance with the laws of the State of Indiana applicable to contracts made and to be performed therein.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

INDIANA FOAM, INC.

By: Donald L. Frandsen
Donald L. Frandsen, President

FLEXIBLE FOAM PRODUCTS, INC.

By: Charles M. Pomeroy
, President

OHIO DECORATIVE PRODUCTS, INC.

By: Charles M. Pomeroy
, President

Exhibit B

BUILDING LEASE AGREEMENT

This Building Lease Agreement ("*Lease*") is made effective as of the 1st day of August, 1997, by and between MOELLER LAND & CATTLE COMPANY, INC. ("*Lessor*") and FLEXIBLE FOAM PRODUCTS, INC. ("*Lessee*"), pursuant to the terms and conditions as set out herein.

ARTICLE I

OBLIGATION OF PARTIES

Section 1.1. *Rental of Property.* Lessee agrees to rent the property described herein from Lessor and to pay the rental upon the terms set forth herein, and Lessor agrees to rent the property described herein to Lessee, subject to the provisions of this Lease.

Section 1.2. *Leased Premises.* The leased premises is that certain real estate located in Elkhart, Indiana, more particularly described in Exhibit A, attached hereto and made a part hereof ("*Leased Premises*").

ARTICLE II

OCCUPANCY AND USE

Section 2.1. *Use of Leased Premises.* The Leased Premises shall be used for the purpose of manufacturing, machining and/or assembling operations and the sale of such products. The Leased Premises shall be used and occupied by Lessee subject to the conditions herein contained, only for the purposes set forth herein. Lessee shall comply with any and all applicable federal, state and local statutes, laws, ordinances and rules, regulations and orders of governmental and public bodies and agencies (hereinafter "*Legal Requirements*") relating to the use of the Leased Premises. Lessee acknowledges and agrees that, as of the Commencement Date (as defined in Section 3.1 below), the Leased Premises is in compliance with all Legal Requirements relating to the intended use of the Leased Premises and that Lessee shall be entitled to the quiet enjoyment of the Leased Premises.

Section 2.2. *Acceptance.* Lessee has inspected the Leased Premises, and is satisfied with the physical condition thereof, and Lessee's taking possession of the Leased Premises shall be conclusive evidence that the same is in good condition and repair. Lessee agrees that no representation as to the condition of repair of the Leased Premises has been made except as herein provided and that no promise to decorate, alter, repair or improve the Leased Premises prior to or during the term has been made, unless specifically provided for in this Lease.

ARTICLE III

TERM OF LEASE

Section 3.1. Term. The initial term of this Lease shall be fifteen (15) years in duration, commencing August 1, 1997 ("*Commencement Date*"), and ending on July 31, 2012 (also referred to as the "*Initial Term*").

Section 3.2. Option to Renew. Lessee shall have the option to renew this Lease beyond the Initial Term for up to three (3) additional five (5) year terms. The first renewal period, if exercised in accordance with the terms of this Lease, shall commence upon the expiration of the Initial Term. Each succeeding renewal period, if exercised in accordance with the terms of this Lease, shall commence upon the expiration of the previous renewal period. Notice of exercise of the right to extend this Lease for an additional period must be given in accordance with the provisions of this Lease.

Section 3.3. Exercise of Option Right. The terms, covenants and conditions of this Lease shall apply to all extensions of this Lease beyond the Initial Term. Lessee shall give written notice of its intent to exercise its options to renew at least one hundred eighty (180) days prior to the expiration of the then current term of this Lease.

Section 3.4. Termination of Lease Upon Sale. Notwithstanding anything herein to the contrary, in the event a majority of the issued and outstanding shares in Lessee, or all or substantially all of its assets, shall be sold to a person or entity not affiliated with or controlled by Ohio Decorative Products, Inc., Lessor may terminate the Lease at any time thereafter without any further liability to Lessee, provided Lessor shall give such purchaser one (1) calendar year prior written notice of its intent to terminate.

In addition to Lessor's right to terminate hereunder, Lessor shall also be entitled to terminate this Lease as provided for in Article XI.

ARTICLE IV

RENT AND DEPOSIT

Section 4.1. Rent Reserved. The annual rent reserved for the Initial Term shall be One Hundred Sixty-Eight Thousand Dollars (\$168,000.00) ("*Annual Base Rent*").

Section 4.2. Rent During Option Periods. The annual rent reserved during each option renewal period shall be the Annual Base Rent. The Annual Base Rent so determined shall be payable in accordance with the provisions of Section 4.3.

Section 4.3. Payment of Rent. Lessee shall, without deduction, abatement or set-off of any nature whatsoever, pay to Lessor as fixed rent for the Leased Premises the Annual Base Rent in equal monthly installments, in advance, and without demand on the first day of each and every calendar month throughout the term of this Lease. If the commencement date of this Lease shall be other than the first day of a calendar month, then Lessee shall pay rent at the rate herein established on a pro rata basis for the number of days of tenancy during such initial month and shall thereafter make rent payments on the first

day of each calendar month, with a like adjustment for the final month of the lease term rental period. The rent shall be payable without relief from valuation and appraisal laws at the address provided for Lessor herein, or at such other place as Lessor may from time to time designate in writing.

Failure of Lessor to make demand for rental when due shall not excuse payment thereof. In addition to the Annual Base Rent reserved herein, Lessee shall timely pay all other obligations required herein as additional rent, and any unpaid rent installments, including all charges and costs treated as additional rent hereunder, shall bear interest from and after five (5) days after due date until paid at the rate of ten percent (10%) per annum.

The Annual Base Rent reserved herein shall be net to Lessor so that this Lease shall yield, net to Lessor, the Annual Base Rent with respect to the Leased Premises in each year of the term of this Lease. All impositions, insurance premiums, utility charges, maintenance, repair and replacement expenses, real estate taxes, assessment charges against the Leased Premises, and all other costs, fees, charges, expenses, reimbursements and obligations of every kind and nature whatsoever imposed upon or relating to the Leased Premises ("*Operating Expenses*") which may arise or become due during the term or by reason of events occurring during the term of this Lease, shall be paid or discharged by Lessee as additional rent, and Lessee hereby agrees to indemnify, defend and hold Lessor harmless from and against such Operating Expenses.

Section 4.4. *Security Deposit.* Lessee shall pay to Lessor, on or before August 31, 1997, as a security deposit, an amount equal to one (1) month's rent. Such security deposit shall secure the faithful performance by Lessee of the covenants and agreements set forth in this Lease, subject to the following terms and conditions:

- (a) Lessor shall not be obligated to but may apply such deposit or any portion thereof to the curing of any default that may exist, without prejudice to any other remedy or remedies which the Lessor may have on account thereof, and upon such application Lessee shall pay Lessor on demand the amount so applied which shall be added to the security deposit so the same shall be restored to its original amount;
- (b) Should the Leased Premises be transferred by Lessor, the security deposit or any balance thereof shall be turned over to Lessor's successor or transferee, and Lessee agrees to look solely to such successor or transferee for the application or return of such security deposit;
- (c) Lessor (or its successors) shall not be obligated to hold the security deposit as a separate fund, but may commingle it with other funds;
- (d) In no event shall Lessor be obligated to apply the security deposit against amounts due during or on account of the final month of the term of the Lease; and
- (e) If Lessee shall faithfully perform all of the covenants and agreement of this Lease, the security deposit, or the then-remaining balance thereof, shall be returned to Lessee, without interest, within thirty (30) days after the termination of this Lease and surrender of the Leased Premises.

ARTICLE V

REPAIRS AND ALTERATIONS

Section 5.1. Lessee's Obligation to Maintain Leased Premises. Lessee shall keep the Leased Premises in good order and repair, all at Lessee's own expense, and shall yield the same back to Lessor upon termination of the Lease, whether such termination shall occur by expiration of the term hereof or in any other manner whatsoever, in the same condition of repair as at the date of the execution hereof, loss by fire or by the elements and reasonable wear and tear excepted. In consideration of the fixed level Annual Base Rent provided for herein throughout the Initial Term, as well as during the periods covered by the option terms, Lessee will make any and all repairs and replacements (whether such work would be considered to be capital in nature) to maintain in good order and repair the structural parts of the building including, but not limited to, plumbing, electrical, heating, air conditioning, doors and windows, all common areas, the exterior of the building, including, but not limited to the roof, the parking lot, the land and all present and future building access requirements as set forth in Section 5.5 of this Lease. Lessee shall not permit any waste or misuse of the Leased Premises.

Section 5.2. Alterations and Signs. No alteration, addition, improvement or refinishing of or to the Leased Premises shall be made by Lessee without the prior written consent of the Lessor, which consent shall not be unreasonably withheld. Any alteration, addition or improvement made by the Lessee after such consent shall have been obtained shall be made strictly in accordance with the plans as approved by Lessor and all applicable building codes and governmental authority regulations, and all such alterations, additions or improvements and any fixtures installed by Lessee shall become the property of the Lessor upon the expiration or other sooner termination of this Lease. Lessee may erect and maintain on the Leased Premises, including the roof and outside walls thereof, signs, awnings and other decorations upon obtaining any and all required governmental permits and authorizations before erecting any such signs.

Section 5.3 Lessor's Duty to Repair or Replace. Lessor shall have no duty to repair, replace or restore the Leased Premises. If, however, the Leased Premises are not kept in good order and repair by Lessee and if such conditions continue for a period of thirty (30) days after notice to Lessee, Lessor may enter the Leased Premises, without such action causing or constituting a termination of this Lease or an interference with the possession of the Leased Premises by Lessee and Lessor may repair the same, in the same condition of order and repair, as existed at the date of execution of the Lease, and Lessee agrees to pay Lessor, in addition to the rent hereby reserved, the expenses of Lessor in repairing or restoring the Leased Premises to that condition.

Section 5.4. Compliance with Environmental Laws. Lessee shall:

- (a) secure all federal, state and local environmental permits, licenses or authorizations required to construct or operate any process, facility or equipment on the Leased Premises prior to commencement of such construction or operation and comply with all applicable federal, state or local environmental laws, rules, regulations, orders or ordinances, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act, as amended; the Resource Conservation and Recovery Act, as amended, the Toxic Substance Control Act, creating liability for the treatment, storage, or disposal of or the arranging for the treatment, storage, or disposal of, or the existence on the

Leased Premises of any Hazardous Material, including any constituent of any Hazardous Material with respect to the construction or operation of any process, facility or equipment on the Leased Premises;

- (b) operate all facilities, processes, operations and equipment on the Leased Premises so as not to cause, suffer or allow to be discharged, dispersed, released, stored, treated, generated, disposed of or allowed to escape any Hazardous Material as, on, in or under the Leased Premises during the term of this Lease except in compliance with all applicable laws and regulations;
- (c) not install on the Leased Premises any electrical transformers, fluorescent light fixtures with ballasts, cooling oils or any other device or form containing polychlorinated biphenyls;
- (d) not install or place or permit to be installed or placed on the Leased Premises any type of fixture containing asbestos;
- (e) give written notice to Lessor of any claim or notice of an alleged violation of any environmental law, order, regulation, rule or ordinance within ten (10) days after receipt of notice or becoming aware of such claim, and shall notify Lessor immediately upon the occurrence of the discharge, dispersal, release, storage, treatment, generation, disposal or escape of any Hazardous Material at, on, in or under the Leased Premises;

As used herein, the term "Hazardous Material" means and includes:

- (i) any asbestos or insulation or other material composed of or containing asbestos, or
- (ii) any hazardous, toxic or dangerous waste, substance or material defined as such in (or for purposes of) the Comprehensive Environment Response, Compensation and Liability Act, as amended, the Toxic Substance Control Act, any of the regulations under those Acts, and any other so-called "Superfund" or "Superlien" law, or any other federal, state or local statute, law, ordinance, code, rule, regulation, order or decree regulation, relating to or imposing liability or standards of conduct concerning, any hazardous, toxic or dangerous waste, substance or material, as now or at any time hereafter in effect.

Section 5.5. Building Access Requirements. Lessee shall, at Lessee's expense, comply with any and all access requirements to the Leased Premises imposed by the Americans with Disabilities Act, federal, state, local or any other laws, regulations or ordinances.

ARTICLE VI

LIENS

Section 6.1. Mechanic's Liens. Lessee shall not permit any mechanic's liens to be filed against the Leased Premises or against the Lessee's leasehold interest in the Leased Premises by reason for work,

labor, services or materials supplied to or claimed to have been supplied to the Lessee or anyone holding the Leased Premises through or under the Lessee, whether prior or subsequent to the commencement of the term hereof. If any such mechanic's lien shall at any time be filed against the Leased Premises as a result of work done or materials furnished on the Leased Premises at the request of Lessee and Lessee shall fail to have such lien removed within thirty (30) days thereafter or, in the alternative, shall not have deposited with Lessor an amount of money, or posted a bond, equal to one hundred fifteen percent (115%) of the lien claim asserted, it shall constitute a default under the provisions of this Lease. Lessor shall have the right to require Lessee to furnish a bond or other indemnity in addition to Lessor's other remedies hereunder. Lessee shall diligently pursue the release of any lien permitted to remain of record under this Section.

ARTICLE VII

ASSIGNMENT AND SUBLETTING

Section 7.1. *Assignment Not Permitted.* Lessee shall not transfer, mortgage, encumber, assign, or sublet all or part of the Leased Premises, except that Lessee may assign this Lease to Ohio Decorative Products, Inc., or any of its subsidiaries, after written notice of such intended assignment.

ARTICLE VIII

INDEMNIFICATION AND INSURANCE

Section 8.1. *Indemnification.*

- (a) Except to the extent of Lessor's gross negligence, Lessee shall hold harmless Lessor from all claims, damages and demands of every type in nature relating to injuries, loss, costs or expense (including reasonable legal fees) to persons or the property of Lessor or others incurred during the lease term or any extension to the lease term in connection with:
 - (i) Lessee's use of the Leased Premises;
 - (ii) any negligent acts or negligent omissions or conditions which are either performed on or in connection with the Leased Premises;
 - (iii) the failure to perform any acts required of Lessee with respect to the Leased Premises;
 - (iv) any liability arising from the breach of any covenants set forth in Section 5.4 herein; or
 - (v) any other claims, damages or demands arising from or in connection with the Leased Premises.
- (b) Lessee shall store its property in and shall occupy and use the Leased Premises at its own risk, and releases Lessor, to the full extent permitted by law except for Lessor's gross

negligence, from all claims of every kind resulting in loss of life, personal or bodily injury or property damage;

- (c) In case Lessor shall be made a party to any litigation commenced by or against Lessee, then Lessee shall protect and hold Lessor harmless and pay all Lessor's costs, expenses and reasonable attorney fees, unless such litigation shall determine that Lessor was grossly negligent in causing the damage or injury complained of by the party initiating the lawsuit.

Section 8.2. Lessor Not Responsible. Lessor shall not be responsible or liable at any time for any reason for any loss or damage to Lessee's equipment, fixtures or other personal property of Lessee or to Lessee's business except for losses or damages occasioned by Lessor's gross negligence or willful and wanton misconduct. Lessor shall not be responsible or liable to Lessee or to those claiming by, through or under Lessee for any loss or damage to either the person or property of Lessee (including, but not limited to, its employees, officers, directors and agents) that may be occasioned by or through the acts or omissions of persons other than Lessor occupying adjacent, connecting or adjoining premises. Lessor shall not be responsible for any defect, latent or otherwise, in the building of which the Leased Premises are a part, or any of the equipment, machinery, utilities, appliances, or apparatus therein, nor shall Lessor be responsible or liable for any injury, loss, or damage to any person or to any property of Lessee or other person caused by or resulting from bursting, breakage, leakage, running, backing up, seepage, or the overflow of water, sewerage, steam, snow or ice, in any part of the Leased Premises or for any injury or damage caused by or resulting from acts of God or the elements.

Section 8.3.

- (a) **Lessee's Insurance Obligation.** Lessee shall procure and keep in force at all times during the term of this Lease, at its expense, public liability insurance in an amount of not less than \$3,000,000 for personal injury to any one person; \$3,000,000 for personal injuries arising out of any one accident; and \$1,000,000 property damage. Lessor shall be named as an additional insured under such policies of insurance. Lessee shall furnish Lessor with a certificate, or certificates, issued by the insurance carrier evidencing such insurance.
- (b) **Lessor's Insurance Obligation.** Lessor shall procure and keep in effect at all times fire and extended coverage insurance on the Leased Premises in such amounts as Lessor deems necessary to effectively protect itself against loss to its property arising out of casualty covered by such insurance. Lessor may procure and maintain public liability insurance coverage, which insurance will cover accidents and occurrences occurring in and about Lessor's property (other than inside the Leased Premises). All insurance premiums paid by Lessor with regard to fire and extended coverages shall be considered part of the Operating Expenses under Section 4.3 and shall be reimbursed to Lessor within thirty (30) days after payment of such premiums.

Section 8.4. Waiver of Subrogation. Notwithstanding anything herein to the contrary, Lessor and Lessee and all parties claiming under them hereby mutually release and discharge the other from all claims and liabilities arising from or caused by any casualty or hazard covered by insurance on the Leased Premises or covered by insurance in connection with property on or activities conducted at the Leased Premises, regardless of the cause of the damage or loss. This release shall apply only to the extent that

such loss or damage is covered by insurance and only so long as the applicable insurance policies contain a clause to the effect that this release shall not affect the right of the insured to recover under such policies.

ARTICLE IX

HOLDING OVER

Section 9.1. Failure to Vacate. In the event Lessee or any party holding under Lessee shall holdover the Leased Premises beyond the expiration of the term of this Lease, whether by expiration or forfeiture, such party shall pay double rent hereunder during such holdover period. Notwithstanding the foregoing, if Lessee shall remain in possession of the Leased Premises beyond the expiration of the term of the Lease with the express written consent of the Lessor, then such possession shall be as a month-to-month tenancy at the same rent as the last month of the lease term. Except as otherwise modified herein, the provisions of this Lease shall be applicable. Prior to termination of this Lease, or any extension thereof, if Lessee is in default on any obligation or covenant under this Lease, Lessee shall remove its movable furniture and equipment from the Leased Premises, and shall promptly repair any damage caused by such removal.

ARTICLE X

RIGHTS RESERVED TO LANDLORD

Section 10.1. Lessor's Rights. Lessor reserves the following rights:

- (a) Lessor, and its duly authorized agents, employees and contractors shall have access to the Leased Premises at all reasonable times for the purpose of inspecting the same and to make any necessary repairs or replacements as called for hereunder or as the Lessor shall elect to undertake for the safety, preservation, benefit or welfare of the building of which the Leased Premises constitute a part of other tenants thereof; and
- (b) To show the Leased Premises to prospective tenants or brokers during the term of this Lease, including any renewal terms, at reasonable times scheduled in advance with Lessee so as to not disrupt Lessee's business.

ARTICLE XI

EVENTS OF DEFAULT

Section 11.1. Default by Lessee. The following events shall be deemed to be Events of Default by Lessee under this Lease:

- (a) Lessee shall fail to pay any fixed or additional rent hereby reserved, or any other expenses Lessee is obligated to pay hereunder, within ten (10) days after the date it is due;
- (b) Lessee shall fail to comply with any term, or provision, or covenant of this Lease, other than the payment of rent or other obligations, and shall not cure such breach within thirty (30) days after written notice thereof to Lessee;

- (c) A trustee or receiver is appointed for Lessee or for the major part of its property and is not discharged within thirty (30) days after such appointment;
- (d) Any proceeding for relief under any bankruptcy law, or similar law for the relief of debtors, are instituted by or against tenant, and, if instituted against Lessee are allowed against it or are consented to by it, or are not dismissed within sixty (60) days after such institution;
- (e) The levy upon under execution or the attachment by legal process of the leasehold interest of Lessee, or the filing or creation of a lien in respect of such leasehold interest or the Leased Premises which Lessee does not discharge in thirty (30) days;
- (f) Lessee shall desert or vacate any substantial portion of the Leased Premises;
- (g) Lessee shall breach any covenants set forth in Section 5.4 herein.

Section 11.2. Remedies of Lessor. Upon the occurrence of an Event of Default, Lessor shall have the option to pursue any one or more of the following remedies (as well as any other remedies provided by law) without any notice or demand whatsoever:

- (a) Declare immediately due and payable the entire amount of the rent then remaining to be paid under this Lease for the balance of the lease term;
- (b) Enter upon and take possession of the Leased Premises without terminating this Lease and without relieving Lessee of its obligation to make the monthly payments of rent herein reserved, or any other obligation of Lessee, and expel or remove Lessee and any other person who may be occupying the Leased Premises or any part thereof and any personal property or trade fixtures located therein (including changing or alternating the locks and other security devices). Lessor shall in good faith relet the Leased Premises in the name of Lessor or Lessee. Lessee shall pay to Lessor on demand any rental deficiency that may arise by reason of such reletting;
- (c) Forfeit and terminate this Lease forthwith. In the event of such termination Lessee shall immediately surrender the Leased Premises to Lessor and if Lessee fails to do so within ten (10) days, Lessor may enter upon and take possession of the Leased Premises and expel or remove Lessee and any other person who may be occupying Leased Premises or any part thereof, and any personal property or trade fixtures located therein, so long as such right can be exercised without breaching the peace.

Pursuit by Lessor of any of the foregoing remedies or any other remedy provided by law shall not constitute waiver of any rent due to Lessor hereunder or of any damages accruing to Lessor by reason of the violation by Lessee of any of the terms, provisions, and covenants of this Lease. In no event shall Lessee be relieved from its obligation to pay rentals or other expenses specified in this Lease by reason of a surrender of possession, termination of this Lease or in any other manner whatsoever, unless specifically agreed to in writing by Lessor.

Section 11.3. Expenses of Lessor. Lessee shall pay all of the costs, charges and expenses, including court costs and reasonable attorney fees, incurred by Lessor in enforcing its rights under this Lease or incurred by Lessor in any litigation, or threats of litigation relating to, or arising out of, this Lease in which Lessor, without fault, becomes involved or concerned.

Section 11.4. Default by Lessor. Lessor shall in no event be charged with default in the performance of Lessor's obligations under this Lease unless and until Lessor shall have received written notice from Lessee specifying the default and how Lessor has failed to perform any obligation under this Lease, and Lessor fails to cure any such default within thirty (30) days after receipt of notice from Lessee.

ARTICLE XII

DAMAGE BY FIRE

Section 12.1. Right to Terminate Lease. In the event that the building of which the Leased Premises are a part shall be destroyed or damaged by fire or unavoidable casualty, then this Lease may be terminated at the election of Lessor, such election to be made by the giving of written notice to Lessee within ninety (90) days after such destruction or damage.

- (a) If Lessor shall not exercise this election or if such damage or destruction shall not affect a substantial part of the Leased Premises or building, this Lease shall continue in force and Lessor covenants, in such event, to repair or rebuild with reasonable diligence the building on the Leased Premises, so as to make the Leased Premises as nearly similar in value and character to their condition immediately prior to such destruction or damage as shall be practicable and reasonable, to the extent permitted by the net proceeds of insurance recovered for such destruction or damage, and subject to zoning and building laws then in existence. "Net proceeds of insurance recovered" refers to the gross amount of such insurance less than the reasonable expenses of Lessor in connection with the collection of the same, including, without limitation, fees and expenses for legal and appraisal services. In such event, however, Lessor shall not be required to repair, rebuild or restore any additions, alterations or improvements made by or for the Lessee and not required by this Lease to be furnished by Lessor, nor any trade fixtures, furniture, equipment, signs or other property installed by or belonging to Lessor.
- (b) If Lessor shall not exercise this election and if the Leased Premises shall not be repaired and rebuilt as above provided within the period of one hundred eighty (180) days from the date of such destruction or damage, then this Lease may be terminated at the election of Lessee, such election to be made by the giving of written notice to Lessor within ten (10) days after the end of that period.

Section 12.2. Abatement of Rent. If this Lease is not terminated as above provided and if the fault or neglect of the Lessee or its agents, servants, or employees did not cause or contribute to such damage or destruction, then from and after such damage or destruction and until the Leased Premises are repaired or rebuilt in accordance with the foregoing provisions the fixed annual rent as well as other obligations of Lessee hereunder will abate, either wholly or proportionately, according to the extent that the Leased Premises have been rendered untenable by such damage or destruction; however, if fifty

percent (50%) or more of the Leased Premises have been rendered untenable by such damage or destruction, the fixed Annual Base Rent as well as other obligations of Lessee hereunder will abate.

ARTICLE XIII

WAIVER

Section 13.1. Waiver of Default. No waiver by Lessor of any violation or breach of any of the terms provisions and covenants of this Lease shall be deemed or construed to constitute a waiver of any other violation or breach of any of the terms, provisions and covenants herein contained. Forbearance by Lessor to enforce one or more of the remedies herein provided upon the occurrence of an Event of Default shall not be deemed or construed to constitute a waiver of such default.

ARTICLE XIV

NOTICES

Section 14.1. How Given. Any notice under this Lease shall be in writing and shall be deemed to be duly given if delivered personally or mailed by registered or certified mail, addressed as follows:

IF TO LESSOR: MOELLER LAND & CATTLE COMPANY, INC.
 Attn: Charles L. Moeller
 220 S. Elizabeth
 Spencerville, OH 45887

IF TO LESSEE: FLEXIBLE FOAM PRODUCTS, INC.
 1900 W. Lusher
 Elkhart, IN

A change in the above-identified addresses may be effected from time to time by written notice to the other party at the then-current address for notice.

ARTICLE XV

MISCELLANEOUS PROVISIONS

Section 15.1. Force Majeure. Lessor and Lessee shall be excused from performing any obligations or undertaking provided in this Lease in the event and/or so long as the performance of any obligation is prevented or delayed, retarded or hindered by act of God, fire, earthquake, floods, explosion, actions of the elements, war, invasion, insurrection, riot, mob violence, sabotage, inability to procure equipment, facilities, materials or supplies in the open market, failure of power, failure of transportation, condemnation, requisition, laws, orders of government or civil or military authorities, or any other cause, whether similar or dissimilar to the foregoing, not within the reasonable control of Lessor or Lessee, as applicable. Strikes, lockouts and actions of labor unions shall not constitute force majeure for purposes of this Agreement.

Section 15.2. Headings and Definitions. It is agreed that the headings and phrases as to the contents of particular paragraphs of this Lease are inserted only as a matter of convenience, and for reference, and in no way are intended to be a part of this Lease, or in any way to define, limit or describe the scope or intent of the particular paragraph to which they refer. Where in this instrument pronouns, or words indicating the singular number, appear, such words shall be considered as masculine, feminine, or neuter pronouns or words indicating the plural number, and vice versa, where the context indicates the propriety of such use.

Section 15.3. Entire Agreement. Lessor and Lessee agree that this Lease contains the entire agreement between them with respect to the leasing of the Leased Premises, and shall not be modified in any manner except by an instrument in writing signed by each of them.

Section 15.4. Benefits. This Lease shall inure to the benefit of and be binding upon the Lessor and Lessee and their respective heirs, executors, administrators, successors, and such assigns and sublessees as may be permitted hereunder.

Section 15.5. Corporate Authority. Each individual executing and delivering this Lease on behalf of a corporation represents and warrants that he has been authorized to do so by the Board of Directors of such corporation.

Section 15.6. Governing Law. This Lease shall be interpreted, construed and enforced in all respects in accordance with the internal laws of the State of Ohio without regard to any state's choice of law or conflict of law rules.

Section 15.7. Recording. The parties agree not to place this Lease of record but each party shall, at the request of the other, execute and acknowledge a memorandum of this Lease so that the same may be recorded, indicating the term of this Lease but omitting rent and other economic terms.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

LESSOR:

MOELLER LAND & CATTLE COMPANY, INC.

By: _____


Charles L. Moeller, President

LESSEE:

FLEXIBLE FOAM PRODUCTS, INC.


By: _____


Charles L. Moeller, President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public of the aforesaid State and County, personally appeared Charles L. Moeller, to me personally known, who, being by me duly sworn, did say that he is the President of MOELLER LAND & CATTLE COMPANY, INC., and that the instrument was signed on behalf of the corporation, by authority of its Board of Directors, and Charles L. Moeller acknowledged the instrument to be the free act and deed of the corporation.

WITNESS my hand and seal this 31st day of July, 1997.



Patricia A. Wilamowski, Notary Public

My commission expires June 18, 2001, and
I reside in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public of the aforesaid State and County, personally appeared Charles L. Moeller, to me personally known, who, being by me duly sworn, did say that he is the President of FLEXIBLE FOAM PRODUCTS, INC., and that the instrument was signed on behalf of the corporation, by authority of its Board of Directors, and he acknowledged the instrument to be the free act and deed of the corporation.

WITNESS my hand and seal this 31st day of July, 1997.


Patricia A. Wilamowski, Notary Public

My commission expires June 18, 2001, and
I reside in Allen County, Indiana.

EXHIBIT A

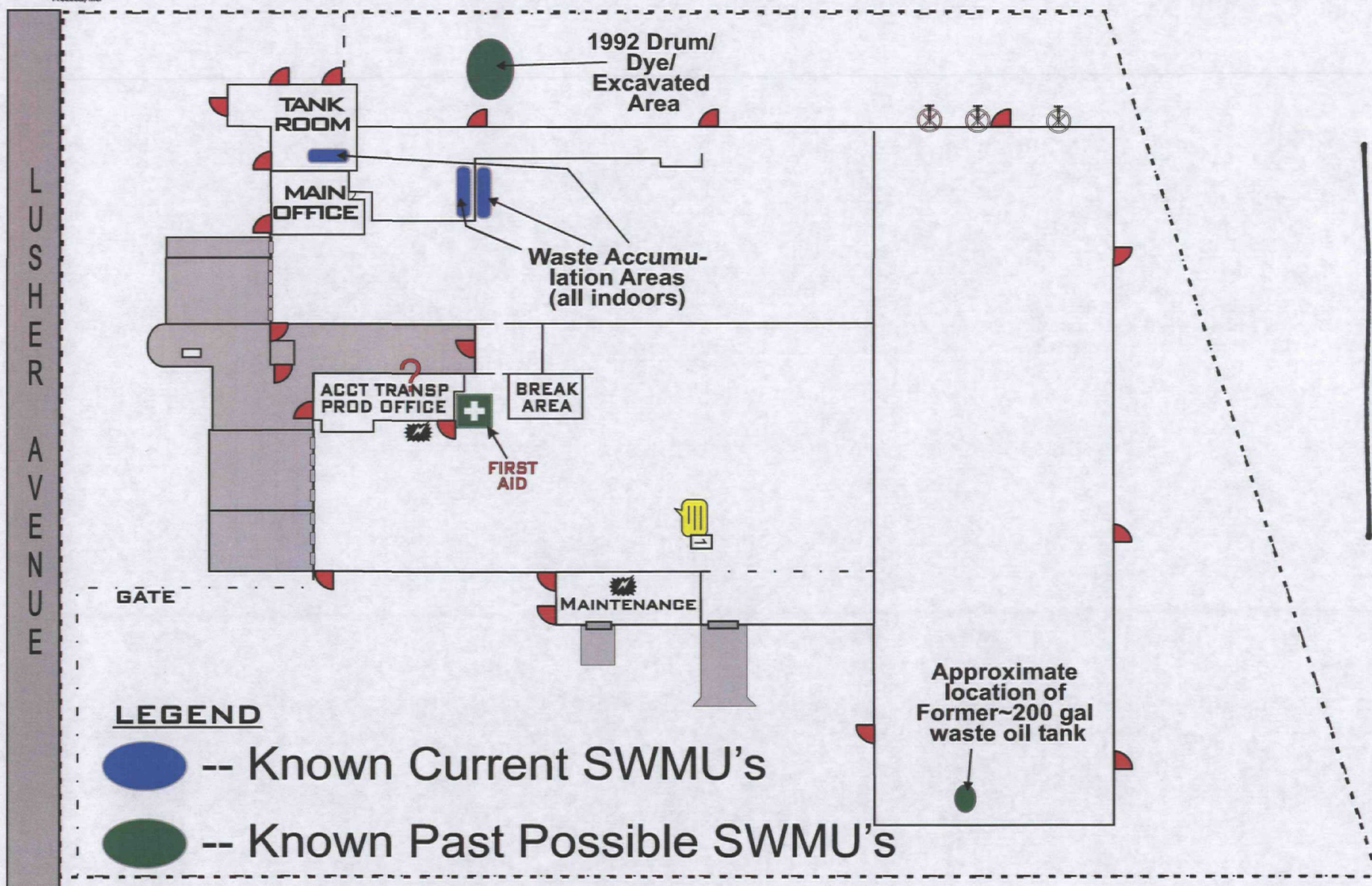
TRACT I - Part of the Southwest Quarter (SW 1/4) of Section Seven (7), Township Thirty-seven (37) North, Range Five (5) East of the Second Principal Meridian in the City of Elkhart, in the County of Elkhart, in the State of Indiana, more particularly described as follows:

Commencing at a point on the West line of said Quarter Section that is thirty (30) feet North of the Southwest corner of said Quarter Section; thence Due East parallel with and thirty (30) feet North of the South line of said Quarter Section along the North line of Lusher Avenue a distance of one thousand fourteen and two tenths (1014.2) feet to the beginning point of this description; thence North zero (0) degrees six (06) minutes West a distance of four hundred eighty-four and five tenths (484.5) feet to a point; thence North eighty-nine (89) degrees fifty-four (54) minutes East a distance of one hundred fifty and two tenths (150.2) feet to a point; thence South zero (0) degrees six (06) minutes East a distance of four hundred eighty-four and seventy-six hundredths (484.76) feet to a point on the North line of said Lusher Avenue; thence West along the North line of said Lusher Avenue a distance of one hundred fifty and two tenths (150.2) feet to the beginning point of this description.

TRACT II - Part of the Southwest Quarter (SW 1/4) of Section Seven (7), Township Thirty-seven (37) North, Range Five (5) East of the Second Principal Meridian in the City of Elkhart, in the County of Elkhart, in the State of Indiana, more particularly described as follows:

Commencing at a point on the West line of said Quarter Section that is thirty (30) feet North of the Southwest corner of said Quarter Section; thence Due East parallel with and thirty (30) feet North of the South line of said Quarter Section along the North line of Lusher Avenue a distance of eight hundred nineteen (819) feet for the beginning point of this description; thence continuing East along the North line of said Lusher Avenue a distance of one hundred ninety-five and two tenths (195.2) feet to a point; thence North zero (0) degrees six (06) minutes West a distance of four hundred eighty-four and five tenths (484.5) feet to a point; thence North eighty-nine (89) degrees fifty-four (54) minutes East a distance of one hundred fifty and two tenths (150.2) feet to a point; thence South zero (0) degrees six (06) minutes East a distance of four hundred eighty-four and seventy-six hundredths (484.76) feet to a point on the North line of said Lusher Avenue; thence East along the North line of said Lusher Avenue a distance of one hundred seventy-seven and six tenths (177.6) feet to the Southwest corner of property conveyed to Longan Corporation by Quit Claim Deed dated April 26, 1963, and recorded in the Office of the Recorder of Elkhart County on July 1, 1963, in Book 246, page 233 as document #423805; thence North one (1) degree three (03) minutes thirty (30) seconds West along the West line of said Longan Corporation land a distance of seven hundred sixty-three and thirteen hundredths (763.13) feet to the Northwest corner of said Longan Corporation land; thence South seventy-three (73) degrees one (01) minute thirty (30) seconds West a distance of five hundred forty-three and seventy-six hundredths (543.76) feet to a point; thence South one (1) degree three (03) minutes thirty (30) seconds East a distance of six hundred four and thirty-four hundredths (604.34) feet to the beginning point of this description.

Exhibit C



Summary of Comments on Elkhart INFO REQUEST draft.cdr


Page: 1

Sequence number: 1

Author: cbaker

Subject: Note

Date: 6/8/2011 3:59:35 PM

 Approximate Scale is 1"=86'.

Source: Internal drawing with
measurements.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

Exhibit D (1)

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

SENT VIA U.S. MAIL: CONFIRMED DELIVERY AND SIGNATURE REQUESTED

TO: Scott Whitaker
Flexible Foam Products
1900 West Lusher Ave.
Elkhart Indiana, 46517

DATE: March 2, 2007

FROM: Nisha Sizemore, Chief
Permits Branch
Office of Air Quality

SUBJECT: Final Decision
FESOP
039-22398-00055

Enclosed is the final decision and supporting materials for the air permit application referenced above. Please note that this packet contains the original, signed, permit documents.

The final decision is being sent to you because our records indicate that you are the contact person for this application. However, if you are not the appropriate person within your company to receive this document, please forward it to the correct person.

A copy of the final decision and supporting materials has also been sent via standard mail to:
Jerry Eagon, General Manager
OAQ Permits Branch Interested Parties List

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178, or toll-free at 1-800-451-6027 (ext. 3-0178); and ask to speak to the permit reviewer who prepared the permit. If you think you have received this document in error, please contact Joanne Smiddie-Brush of my staff at 1-800-451-6027 (ext. 3-0185); or via e-mail at jbrush@idem.IN.gov.

Final Applicant Cover letter.dot 03/23/05



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

TO: Interested Parties / Applicant

DATE: March 2, 2007

RE: Flexible Foam Products / 039-22398-00055

FROM: Nisha Sizemore
Chief, Permits Branch
Office of Air Quality

Notice of Decision: Approval - Effective Immediately

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted according to IC 13-15-6-3, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3 and IC 13-15-6-1 require that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for considerations at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosures
FNPER.dot 03/23/06



Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204-2251
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) RENEWAL OFFICE OF AIR QUALITY

**Flexible Foam Products, Inc.
1900 W. Lusher Avenue and 28652 Phillips Street
Elkhart, Indiana 46517**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

The Permittee must comply with all conditions of this permit. Noncompliance with any provision of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; and denial of a permit renewal application. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in Section B, Emergency Provisions.

Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a FESOP under 326 IAC 2-8.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-8 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

Operation Permit No.: F039-22398-00055

Issued by:

Nisha Sizemore
Nisha Sizemore, Chief
Permits Branch
Office of Air Quality

Issuance Date: March 2, 2007

Expiration Date: March 2, 2012

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SECTION A SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ). The information describing the source contained in conditions A.1, A.3 and A.4 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

A.1 General Information [326 IAC 2-8-3(b)]

The Permittee owns and operates a stationary soft polyurethane foam block manufacturing plant that uses carbon dioxide as a blowing agent.

Authorized individual:	Jerry Eagon, General Manager
Source Address:	1900 W. Lusher Avenue and 28652 Phillips Street, Elkhart, Indiana 46517
Mailing Address:	1900 W. Lusher Avenue, Elkhart, Indiana 46517
General Source Phone:	(574) 294-7694
SIC Code:	3086
County Location:	Elkhart
Source Location Status:	Nonattainment for ozone under the 8-hour standard Attainment for all other criteria pollutants
Source Status:	Federally Enforceable State Operating Permit (FESOP) Minor Source, under PSD and Emission Offset Rules; Minor Source, Section 112 of the Clean Air Act Not in 1 of 28 Source Categories

A.2 Source Definition [326 IAC 2-8-1] [326 IAC 2-7-1(22)]

This polyurethane foam manufacturing company consists of two (2) plants:

- (a) Plant 1 is located at 1900 W. Lusher Avenue, Elkhart, Indiana; and
- (b) Plant 2 is located at 28652 Phillips Street, Elkhart, Indiana.

Since the two (2) plants are located on contiguous or adjacent properties, belong to the same industrial grouping, and are under common control of the same entity, they are considered one (1) source, effective from the date of issuance, October 6, 2001, of F039-14582-00055.

A.3 Emission Units and Pollution Control Equipment Summary [326 IAC 2-8-3(c)(3)]

This stationary source consists of the following emission units and pollution control devices:

- (a) One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks, using carbon dioxide as the blowing agent, with a maximum capacity of 19.024 tons per hour of polyurethane, exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S-6, respectively. This continuous conveyor polyurethane foam line was constructed in May 1977.

A.4 Insignificant Activities [326 IAC 2-7-1(21)] [326 IAC 2-8-3(c)(3)(I)]

This stationary source also consists of the following insignificant activities, as defined in 326 IAC 2-7-1(21):

- (a) Paved or unpaved roads and parking lots with public access. [326 IAC 6-4]
- (b) The following storage tanks emitting VOC emissions less than three (3) pounds per hour or fifteen (15) pounds per day, and emitting HAP emissions greater than one (1) pound per day but less than five (5) pounds per day or one (1) ton per year of a single HAP, or emitting HAP emissions greater than one (1) pound per day but less than twelve and five

tenths (12.5) pounds per day or two and five tenths (2.5) ton per year of any combination of HAPs:

- (1) Five (5) 6,000-gallon toluene diisocyanate tanks.
- (c) Natural gas-fired combustion sources with heat input equal to or less than ten (10) million Btu per hour.
- (d) Emission units with PM and PM10 emissions less than five (5) tons per year, SO₂, NO_x, and VOC emissions less than ten (10) tons per year, CO emissions less than twenty-five (25) tons per year, lead emissions less than two-tenths (0.2) tons per year, single HAP emissions less than one (1) ton per year, and combination of HAPs emissions less than two and a half (2.5) tons per year:
 - (1) Adhesives usage at the Lusher Street plant;
 - (2) Adhesives usage at the Phillips Street plant.

A.5 FESOP Applicability [326 IAC 2-8-2]

This stationary source, otherwise required to have a Part 70 permit as described in 326 IAC 2-7-2(a), has applied to the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) to renew a Federally Enforceable State Operating Permit (FESOP).

SECTION B GENERAL CONDITIONS

B.1 Definitions [326 IAC 2-8-1]

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2, and 326 IAC 2-7) shall prevail.

B.2 Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5] [IC 13-15-3-6(a)]

- (a) This permit, F039-22398-00055, is issued for a fixed term of five (5) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit.
- (b) If IDEM, OAQ, upon receiving a timely and complete renewal permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect until the renewal permit has been issued or denied.

B.3 Term of Conditions [326 IAC 2-1.1-9.5]

Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:

- (a) the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or
- (b) the emission unit to which the condition pertains permanently ceases operation.

B.4 Enforceability [326 IAC 2-8-6]

Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.

B.5 Severability [326 IAC 2-8-4(4)]

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

B.6 Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

B.7 Duty to Provide Information [326 IAC 2-8-4(5)(E)]

- (a) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ, may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The submittal by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1). Upon request, the Permittee shall also furnish to IDEM, OAQ, copies of records required to be kept by this permit.
- (b) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1 when furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

B.8 Compliance Order Issuance [326 IAC 2-8-5(b)]

IDEM, OAQ may issue a compliance order to this Permittee upon discovery that this permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement.

B.9 Certification [326 IAC 2-8-3(d)] [326 IAC 2-8-4(3)(C)(i)] [326 IAC 2-8-5(1)]

- (a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by an authorized individual of truth, accuracy, and completeness. This certification, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.
- (c) An authorized individual is defined at 326 IAC 2-1.1-1(1).

B.10 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted no later than April 15 of each year to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
 - (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was continuous or intermittent;
 - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
 - (5) Such other facts as specified in Sections D of this permit, IDEM, OAQ, may require determining the compliance status of the source.

The submittal by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

B.11 Preventive Maintenance Plan [326 IAC 1-6-3] [326 IAC 2-8-4(9)] [326 IAC 2-8-5(a)(1)]

- (a) The Permittee shall maintain and implement Preventive Maintenance Plans (PMPs) for the source as described in 326 IAC 1-6-3. At a minimum, the PMPs shall include:
 - (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and

- (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.
- (b) A copy of the PMPs shall be submitted to IDEM, OAQ, upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ, may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions or potential to emit. The PMPs do not require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

B.12 Emergency Provisions [326 IAC 2-8-12]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as provided in 326 IAC 2-8-12.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describes the following:

- (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
- (2) The permitted facility was at the time being properly operated;
- (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ and Northern Regional Office, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone No.: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section) or,
Telephone No.: 317-233-0178 (ask for Compliance Section)
Facsimile No.: 317-233-6865
Northern Regional Office Telephone No.: 1-800-753-5519 or (219) 245-4870
Facsimile No.: (219) 245-4877

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-8-4(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;
- (B) Any steps taken to mitigate the emissions; and
- (C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.
- (f) Failure to notify IDEM, OAQ by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-8 and any other applicable rules.
- (g) Operations may continue during an emergency only if the following conditions are met:
 - (1) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.
 - (2) If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:
 - (A) The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and
 - (B) Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.

Any operations shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.

- (h) The Permittee shall include all emergencies in the Quarterly Deviation and Compliance Monitoring Report.

B.13 Prior Permits Superseded [326 IAC 2-1.1-9.5]

- (a) All terms and conditions of permits established prior to F039-22398-00055 and issued pursuant to permitting programs approved into the state implementation plan have been either

- (1) incorporated as originally stated,
- (2) revised
- (3) deleted.

(b) All previous registrations and permits are superseded by this permit.

B.14 Termination of Right to Operate [326 IAC 2-8-9] [326 IAC 2-8-3(h)]

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-8-3(h) and 326 IAC 2-8-9.

B.15 Deviations from Permit Requirements and Conditions [326 IAC 2-8-4(3)(C)(ii)]

- (a) Deviations from any permit requirements (for emergencies see Section B - Emergency Provision), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

using the attached Quarterly Deviation and Compliance Monitoring Report, or its equivalent. A deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report.

The Quarterly Deviation and Compliance Monitoring Report does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.

**B.16 Permit Modification, Reopening, Revocation and Reissuance, or Termination
[326 IAC 2-8-4(5)(C)] [326 IAC 2-8-7(a)] [326 IAC 2-8-8]**

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a FESOP modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-8-4(5)(C)] The notification by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:
- (1) That this permit contains a material mistake.
 - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
 - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-8-8(a)]
- (c) Proceedings by IDEM, OAQ to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-8-8(b)]

- (d) The reopening and revision of this permit, under 326 IAC 2-8-8(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-8-8(c)]

B.17 Permit Renewal [326 IAC 2-8-3(h)]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ, and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

- (b) A timely renewal application is one that is:
- (1) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
 - (2) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.
- (c) If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-7 until IDEM, OAQ, takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified in writing by IDEM, OAQ, any additional information identified as being needed to process the application.

B.18 Permit Amendment or Revision [326 IAC 2-8-10] [326 IAC 2-8-11.1]

- (a) Permit amendments and revisions are governed by the requirements of 326 IAC 2-8-10 or 326 IAC 2-8-11.1 whenever the Permittee seeks to amend or modify this permit.
- (b) Any application requesting an amendment or modification of this permit shall be submitted to:
- Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251
- Any such application shall be certified by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) The Permittee may implement the administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]

B.19 Operational Flexibility [326 IAC 2-8-15][326 IAC 2-8-11.1]

- (a) The Permittee may make any change or changes at this source that are described in 326 IAC 2-8-15(b) through (d), without prior permit revision, if each of the following conditions is met:

- (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
- (2) Any approval required by 326 IAC 2-8-11.1 has been obtained;
- (3) The changes do not result in emissions which exceed the limitations provided in this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
- (4) The Permittee notifies the:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

- (5) The Permittee maintains records on-site, on a rolling five (5) year basis which document all such changes and emissions trades that are subject to 326 IAC 2-8-15(b) through (d). The Permittee shall make such records available, upon reasonable request, to public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ, in the notices specified in 326 IAC 2-8-15(b)(2), (c)(1), and (d).

- (b) **Emission Trades [326 IAC 2-8-15(c)]**
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-8-15(c).
- (c) **Alternative Operating Scenarios [326 IAC 2-8-15(d)]**
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, OAQ or U.S. EPA is required.
- (d) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.

B.20 Source Modification Requirement [326 IAC 2-8-11.1]

A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2 and 326 IAC 2-8-11.1.

B.21 Inspection and Entry [326 IAC 2-8-5(a)(2)][IC 13-14-2-2][IC 13-17-3-2][IC13-30-3-1]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a FESOP source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

B.22 Transfer of Ownership or Operational Control [326 IAC 2-8-10]

- (a) The Permittee must comply with the requirements of 326 IAC 2-8-10 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.
- (b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

The application which shall be submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) The Permittee may implement notice-only changes addressed in the request for a notice-only change immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]

B.23 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16][326 IAC 2-1.1-7]

- (a) The Permittee shall pay annual fees to IDEM, OAQ, within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.
- (b) Failure to pay may result in administrative enforcement action, or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.

B.24 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314][326 IAC 1-1-6]

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

SECTION C SOURCE OPERATION CONDITIONS

Entire Source

Emissions Limitations and Standards [326 IAC 2-8-4(1)]

C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]

Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.

C.2 Overall Source Limit [326 IAC 2-8]

The purpose of this permit is to limit this source's potential to emit to less than major source levels for the purpose of Section 502(a) of the Clean Air Act.

- (a) Pursuant to 326 IAC 2-8:
 - (1) The potential to emit any regulated pollutant, including particulate matter (PM), from the entire source shall be limited to less than one-hundred (100) tons per twelve (12) consecutive month period. This limitation shall also satisfy the requirements of 326 IAC 2-3;
 - (2) The potential to emit any individual hazardous air pollutant (HAP) from the entire source shall be limited to less than ten (10) tons per twelve (12) consecutive month period; and
 - (3) The potential to emit any combination of HAPs from the entire source shall be limited to less than twenty-five (25) tons per twelve (12) consecutive month period.
- (b) Pursuant to 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)), potential to emit particulate matter (PM) from the entire source shall be limited to less than two hundred fifty (250) tons per twelve (12) consecutive month period.
- (c) This condition shall include all emission points at this source including those that are insignificant as defined in 326 IAC 2-7-1(21). The source shall be allowed to add insignificant activities not already listed in this permit, provided that the source's potential to emit does not exceed the above specified limits.
- (d) Section D of this permit contains independently enforceable provisions to satisfy this requirement.

C.3 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

C.4 Open Burning [326 IAC 4-1] [IC 13-17-9]

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.

C.5 Incineration [326 IAC 4-2] [326 IAC 9-1-2(3)]

The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and in 326 IAC 9-1-2.

C.6 Fugitive Dust Emissions [326 IAC 6-4]

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions).

C.7 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.
- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:
 - (1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or
 - (2) If there is a change in the following:
 - (A) Asbestos removal or demolition start date;
 - (B) Removal or demolition contractor; or
 - (C) Waste disposal site.
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Asbestos Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (e) **Procedures for Asbestos Emission Control**
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1 emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.
- (f) **Demolition and renovation**
The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).
- (g) **Indiana Accredited Asbestos Inspector**
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos.

Testing Requirements [326 IAC 2-8-4(3)]

C.8 Performance Testing [326 IAC 3-6]

- (a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ.

A test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ, if the Permittee submits to IDEM, OAQ, a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

Compliance Requirements [326 IAC 2-1.1-11]

C.9 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

Compliance Monitoring Requirements [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]

C.10 Compliance Monitoring [326 IAC 2-8-4(3)] [326 IAC 2-8-5(a)(1)]

Unless otherwise specified in this permit, all monitoring and record keeping requirements not already legally required shall be implemented upon issuance of this permit. If required by Section

D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment.

Unless otherwise specified in the approval for the new emissions unit, compliance monitoring for new emission units or emission units added through a permit revision shall be implemented when operation begins.

C.11 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]

Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60 Appendix B, 40 CFR 63 or other approved methods as specified in this permit.

Corrective Actions and Response Steps [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]

C.12 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68]

If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.

C.13 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4][326 IAC 2-8-5]

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate response actions. The Permittee shall submit a description of these response actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the response actions are being implemented.
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAQ may extend the retesting deadline.
- (c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The response action documents submitted pursuant to this condition do require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]

C.14 General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]

- (a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.

C.15 General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]

- (a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.
- (d) Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (e) Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.

Stratospheric Ozone Protection

C.16 Compliance with 40 CFR 82 and 326 IAC 22-1

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with the standards for recycling and emissions reduction:

- (a) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices pursuant to 40 CFR 82.156
- (b) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- (c) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

SECTION D.1

FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-8-4(10)]:

- (a) One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks, using carbon dioxide as the blowing agent, with a maximum capacity of 19.024 tons per hour of polyurethane, exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S-6, respectively. This continuous conveyor polyurethane foam line was constructed in May 1977.

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

Emission Limitations and Standards [326 IAC 2-8-4(1)]

D.1.1 Volatile Organic Compounds [326 IAC 2-8] [326 IAC 8-6-1]

Pursuant to 326 IAC 2-8, the usage of catalysts and toluene diisocyanate (TDI) at the continuous conveyor polyurethane foam line, identified as EU01, shall be limited such that the combined potential to emit (PTE) of VOC shall be limited to ninety-five (95) tons per twelve (12) consecutive month period with compliance determined at the end of each month.

Combined with VOC emissions from insignificant activities, the limitations in this Condition are required to limit the potential to emit of VOC for the entire source to less than 100 tons per year and will render the requirements of 326 IAC 2-7 and 326 IAC 8-6-1 not applicable.

Compliance Determination Requirements

D.1.2 Volatile Organic Compounds (VOC) [326 IAC 8-1-2] [326 IAC 8-1-4]

Compliance with the VOC usage limitations contained in Condition D.1.1 shall be determined as follows:

- (a) The Permittee shall prepare or obtain from the manufacturer the copies of the "as supplied" and "as applied" VOC data sheets or Material Safety Data Sheets (MSDS) for each catalyst used in the polyurethane foam block manufacturing operation.
- (b) The VOC emissions from the polyurethane foam block manufacturing operation shall be calculated as follows:

$$\text{VOC Emissions (tons/year)} = \sum (\text{Catalyst Usage (tons/year)} \times \text{Flash Off (\%)}) + (\text{TDI Usage (tons/year)} \times \text{Flash Off (\%)})$$

Record Keeping and Reporting Requirements [326 IAC 2-5.1-3(e)(2)] [326 IAC 2-6.1-5(a)(2)]

D.1.3 Record Keeping Requirements

- (a) To document compliance with Condition D.1.1, the Permittee shall maintain records in accordance with (1) through (4) below. Records maintained for (1) through (4) shall be taken monthly and shall be complete and sufficient to establish compliance with the VOC usage limit established in Condition D.1.1.
- (1) The amount and VOC content of each catalyst used on a monthly basis. Records shall include inline flow meter readings of raw material usages and material safety data sheets (MSDS) necessary to verify the type and amount used.
- (2) The amount of TDI used on a monthly basis;
- (3) The total VOC usage for each month; and

- (4) The weight of VOC emitted for each compliance period.
- (b) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

D.1.4 Reporting Requirements

A quarterly summary of the information to document compliance with Condition D.1.1 shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, using the reporting forms located at the end of this permit, or their equivalent, within thirty (30) days after the end of the quarter being reported. The report submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
Compliance Branch

FESOP Quarterly Report

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 West Lusher Avenue and 28652 Phillip Street, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
FESOP Permit No.: F039-22398-00055
Parameter: VOC Emissions
Limit: 95 tons per twelve (12) consecutive month period with compliance determined at the end of each month based on the following equation:

$$\text{VOC Emissions (tons/year)} = \sum (\text{Catalyst Usage (tons/year)} \times \text{Flash Off (\%)}) + (\text{TDI Usage (tons/year)} \times \text{Flash Off (\%)})$$

QUARTER: _____ YEAR: _____

Month	Column 1	Column 2	Column 1 + Column 2
	This Month	Previous 11 Months	12 Month Total
Month 1			
Month 2			
Month 3			

- ☐ No deviation occurred in this quarter.
- ☐ Deviation/s occurred in this quarter.
Deviation has been reported on:

Submitted by: _____
Title / Position: _____
Signature: _____
Date: _____
Phone: _____

Attach a signed certification to complete this report.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE BRANCH

FEDERALLY ENFORCEABLE STATE OPERATING PERMIT
CERTIFICATION

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 West Lusher Avenue and 28652 Phillip Street, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
FESOP Permit No.: F039-22398-00055

This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.

Please check what document is being certified:

- ☐ Annual Compliance Certification Letter
- ☐ Test Result (specify)
- ☐ Report (specify)
- ☐ Notification (specify)
- ☐ Affidavit (specify)
- ☐ Other (specify)

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Date:

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE BRANCH
100 North Senate Avenue
Indianapolis, Indiana 46204-2251
Phone: 317-233-0178
Fax: 317-233-6865**

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
EMERGENCY OCCURRENCE REPORT**

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 West Lusher Avenue and 28652 Phillip Street, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
FESOP Permit No.: F039-22398-00055

This form consists of 2 pages

Page 1 of 2

- ☐ This is an emergency as defined in 326 IAC 2-7-1(12)
- The Permittee must notify the Office of Air Quality (OAQ), within four (4) business hours (1-800-451-6027 or 317-233-0178, ask for Compliance Section); and
 - The Permittee must submit notice in writing or by facsimile within two (2) days (Facsimile Number: 317-233-6865), and follow the other requirements of 326 IAC 2-7-16

If any of the following are not applicable, mark N/A

Facility/Equipment/Operation:
Control Equipment:
Permit Condition or Operation Limitation in Permit:
Description of the Emergency:
Describe the cause of the Emergency:

If any of the following are not applicable, mark N/A

Page 2 of 2

Date/Time Emergency started:
Date/Time Emergency was corrected:
Was the facility being properly operated at the time of the emergency? Y N Describe:
Type of Pollutants Emitted: TSP, PM-10, SO ₂ , VOC, NO _x , CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by: _____

Title / Position: _____

Date: _____

Phone: _____

A certification is not required for this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE BRANCH**

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT**

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 West Lusher Avenue and 28652 Phillip Street, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
FESOP Permit No.: F039-22398-00055

Months: _____ to _____ Year: _____

Page 1 of 2

This report is an affirmation that the source has met all the requirements stated in this permit. This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. Deviations that are required to be reported by an applicable requirement shall be reported according to the schedule stated in the applicable requirement and do not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".

☐ NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.

☐ THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD

Permit Requirement (specify permit condition #)

Date of Deviation:

Duration of Deviation:

Number of Deviations:

Probable Cause of Deviation:

Response Steps Taken:

Permit Requirement (specify permit condition #)

Date of Deviation:

Duration of Deviation:

Number of Deviations:

Probable Cause of Deviation:

Response Steps Taken:

Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Form Completed by: _____

Title / Position: _____

Date: _____

Phone: _____

Attach a signed certification to complete this report.

Indiana Department of Environmental Management Office of Air Quality

Technical Support Document (TSD) for a Federally Enforceable State Operating Permit (FESOP) Renewal

Source Background and Description

Source Name:	Flexible Foam Products, Inc.
Source Location:	1900 W. Lusher Ave and 28652 Phillips Street, Elkhart, Indiana 46517
County:	Elkhart
SIC Code:	3086
Operation Permit No:	F039-14582-00055
Operation Permit Issuance Date:	October 6, 2001
Permit Renewal No.:	F039-22398-00055
Permit Reviewer:	ERG/JR

The Office of Air Quality (OAQ) has reviewed a FESOP renewal application from Flexible Foam Products, Inc. relating to the operation of a stationary soft polyurethane foam block manufacturing plant that uses carbon dioxide as the blowing agent.

Source Definition

This Source Definition from the previous FESOP, F039-14582-00055, issued on October 6, 2001 was incorporated into this permit as follows:

This polyurethane foam manufacturing company consists of two (2) plants:

- (a) Plant 1 is located at 1900 W. Lusher Avenue, Elkhart, Indiana; and
- (b) Plant 2 is located at 28652 Phillips Street, Elkhart, Indiana.

Since the two (2) plants are located on contiguous or adjacent properties, belong to the same industrial grouping, and are under common control of the same entity, they are considered one (1) source.

Permitted Emission Units and Pollution Control Equipment

The source consists of the following permitted emission units and pollution control devices:

- (a) One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks, using carbon dioxide as the blowing agent, with a maximum capacity of 19.024 tons per hour of polyurethane, exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S-6, respectively. This continuous conveyor polyurethane foam line was constructed in May 1977.

Unpermitted Emission Units and Pollution Control Equipment

There are no unpermitted units operating at this source during this review process.

Insignificant Activities

The source also consists of the following insignificant activities, as defined in 326 IAC 2-7-1(21):

- (a) Paved or unpaved roads and parking lots with public access. [326 IAC 6-4]
- (b) The following storage tanks emit less than three (3) pounds per hour or fifteen (15) pounds per day of VOC, and emit greater than one (1) pound per day but less than five (5) pounds per day or one (1) ton per year of a single HAP, or greater than one (1) pound per day but less than twelve and five tenths (12.5) pounds per day or two and five tenths (2.5) ton per year of any combination of HAPs:
 - (1) Five (5) 6,000-gallon toluene diisocyanate tanks.
- (c) Natural gas-fired combustion sources with heat input equal to or less than ten (10) million Btu per hour.
- (d) Emission units with PM and PM10 emissions less than five (5) tons per year, SO₂, NO_x, and VOC emissions less than ten (10) tons per year, CO emissions less than twenty-five (25) tons per year, lead emissions less than two-tenths (0.2) tons per year, single HAP emissions less than one (1) ton per year, and combination of HAPs emissions less than two and a half (2.5) tons per year:
 - (1) Adhesives usage at the Lusher Street plant;
 - (2) Adhesives usage at the Phillips Street plant.

Existing Approvals

The source has been operating under the previous FESOP F039-14582-00055, issued on October 6, 2001, with an expiration date of October 6, 2006, and the following amendments and revisions:

- (a) First Administrative Amendment, 039-15167-00055, issued February 4, 2002.

All terms and conditions of previous permits issued pursuant to permitting programs approved into the state implementation plan have been either incorporated as originally stated, revised, or deleted by this permit. All previous registrations and permits are superseded by this permit.

The following terms and conditions from previous approvals have been revised or removed in this FESOP:

- (a) Condition D.1.1 from F039-14582-00055, issued on October 6, 2001, as amended by 039-15167-00055, issued on October 4, 2002:
Pursuant to 326 IAC 2-8, the input to the production line shall be limited to less than 95 tons of VOCs per twelve consecutive month period adjusted by the amount of non-reacting VOC. The amount of non-reacting VOC shall be based on information contained in material safety data sheets (MSDS) or other written documentation provided by the manufacturers of the VOC-containing materials.

This input limit is required to limit the potential to emit VOC to less than 95 tons per twelve consecutive month period. Compliance with this limit makes 326 IAC 2-7, 326 IAC 2-2, and 326 IAC 8-6-1 not applicable.

Revised Condition:

Pursuant to 326 IAC 2-8, the usage of catalysts and toluene diisocyanate (TDI) at the continuous conveyor polyurethane foam line, identified as EU01, shall be limited such that the combined potential to emit (PTE) of VOCs shall be limited to ninety-five (95) tons per twelve (12) consecutive month period with compliance determined at the end of each month.

Combined with VOC emissions from insignificant activities, the limitations in this condition are required to limit the potential to emit of VOC for the entire source to less than 100 tons per year and will render the requirements of 326 IAC 2-7 and 326 IAC 8-6-1 not applicable.

Reason Modified:

The condition was revised to clarify the VOC emission limitation as well as to provide flexibility in the use of different VOC-containing materials.

- (b) Condition D.1.5 from F039-14582-00055, issued on October 6, 2001, as amended by 039-15167-00055, issued on October 4, 2002:

The source's potential to emit hazardous air pollutants shall comply with Condition C.1 of this permit. Condition C.1 makes 40 CFR 63, Subpart III, the standard for flexible polyurethane foam production, not applicable.

Any change or modification which increases the emissions of a single HAP to 10 tons per year or more from this facility, or a combination of HAPs to 25 tons per year from this facility, shall obtain prior approval by the Office of Air Quality (OAQ) before such change may occur. Such change may also be subject to the requirements of 326 IAC 2-4.1.

Reason not incorporated:

IDEM, OAQ has omitted Condition D.1.5 from the FESOP renewal since this condition merely repeats the requirements in Section C. The statements concerning the applicability of 40 CFR 63, Subpart III are documented in the TSD; see the Federal Rule Applicability section of this document for more information about 40 CFR 63, Subpart III applicability.

Enforcement Issue

There are no enforcement actions pending.

Recommendation

The staff recommends to the Commissioner that the FESOP renewal be approved. This recommendation is based on the following facts and conditions:

Unless otherwise stated, information used in this review was derived from the application and additional information submitted by the applicant.

An administratively complete FESOP renewal application for the purposes of this review was received on December 16, 2005.

There was no notice of completeness letter mailed to the source.

Emission Calculations

See Appendix A of this document for detailed emission calculations (pages 1 and 2). The total PTE of the five (5) toluene diisocyanate tanks is 0.35 lbs per year of a single HAP, which was calculated using EPA TANKS 4.0 software. The emissions calculations for storage tanks were provided by the applicant and have been verified and found to be accurate and correct.

Unrestricted Potential Emissions

This table reflects the unrestricted potential emissions of the source, excluding the emission limits that were contained in the previous FESOP.

Pollutant	Potential to Emit (tons/yr)
PM	-
PM10	-
SO ₂	-
VOC	Greater than 100
CO	-
NO _x	-

HAPs	Potential to Emit (tons/yr)
Acetaldehyde	Less than 10
Propylene Oxide	Less than 10
Ethylene Oxide	Less than 10
Toluene Diisocyanate	Less than 10
Total	Less than 25

"-" is used to denote emissions are negligible.

Potential to Emit After Issuance

The source has opted to remain a FESOP source. The table below summarizes the potential to emit, reflecting all limits of the emission units. Any control equipment is considered enforceable only after issuance of this FESOP and only to the extent that the effect of the control equipment is made practically enforceable in the permit. Since the source has not constructed any new emission units, the source's potential to emit is based on the emission units included in the original FESOP.

Process/emission unit	Potential To Emit (tons/year)						
	PM	PM-10	SO ₂	VOC	CO	NO _x	HAPs
Polyurethane Foam Production	-	-	-	Less than 95*	-	-	0.81
Insignificant Activities	-	-	-	Less than 5	-	-	-
Total Emissions	-	-	-	Less than 100	-	-	0.81

"-" is used to denote that the process/emission unit does not emit the associated pollutant.

*The usage of catalysts and toluene diisocyanate (TDI) at the continuous conveyor polyurethane foam line, identified as EU01, shall be limited such that the combined potential to emit (PTE) of VOC shall be limited to ninety-five (95) tons per twelve (12) consecutive month period with compliance determined at the end of each month.

County Attainment Status

The source is located in Elkhart County.

Pollutant	Status
PM10	Attainment
PM2.5	Attainment
SO ₂	Attainment
NO ₂	Attainment
8-hour Ozone	Nonattainment
CO	Attainment
Lead	Attainment

Note: On October 25, 2006, the Indiana Air Pollution Control Board finalized a rule revision to 326 IAC 1-4-1 revoking the one-hour ozone standard in Indiana.

- (a) Elkhart County has been classified as unclassifiable or attainment for PM2.5. U.S. EPA has not yet established the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2 for PM2.5 emissions. Therefore, until the U.S. EPA adopts specific provisions for PSD review for PM2.5 emissions, it has directed states to regulate PM10 emissions as surrogate for PM2.5 emissions. See the State Rule Applicability - Entire Source section.
- (b) Volatile organic compounds (VOC) and Nitrogen Oxides (NO_x) are regulated under the Clean Air Act (CAA) for the purposes of attaining and maintaining the National Ambient Air Quality Standards (NAAQS) for ozone. Therefore, VOC and NO_x emissions are considered when evaluating the rule applicability relating to the ozone standards. Elkhart County has been designated as nonattainment for the 8-hour ozone standard. Therefore,

VOC and NO_x emissions were reviewed pursuant to the requirements for Emission Offset, 326 IAC 2-3. See the State Rule Applicability – Entire Source section.

- (c) Elkhart County has been classified as attainment or unclassifiable in Indiana for all other criteria pollutants. Therefore, these emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2. See the State Rule Applicability – Entire Source section.

Source Status

Existing Source PSD and Emission Offset Definition (emissions after controls, based on 8760 hours of operation per year at rated capacity and/or as otherwise limited):

Pollutant	Emissions (tons/yr)
PM	Less than 250
PM ₁₀	Less than 250
SO ₂	Less than 250
VOC	Less than 100
CO	Less than 250
NO _x	Less than 100
Single HAP	<10
Combination HAPs	<25

- (a) This existing source is not a major stationary source for PSD because no attainment regulated pollutant is emitted at a rate of 250 tons per year or greater and it is not in one of the 28 listed source categories.
- (b) This existing source is not a major stationary source for Emission Offset because no nonattainment pollutant is emitted at a rate of 100 tons per year or greater.

Federal Rule Applicability

- (a) The requirements of 40 CFR 60, Subpart Kb-Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which construction, reconstruction, or modification commenced after July 23, 1984 are not included in this permit. The five (5) insignificant toluene diisocyanate tanks each have a capacity less than 75 m³.
- (b) The requirements of 40 CFR 63, Subpart III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production are not included in this permit for the continuous conveyor polyurethane foam line, identified as EU01, because this source is not a major source of Hazardous Air Pollutants (HAPs). The source eliminated the use of a HAP-based (methylene chloride) adhesive from their process prior to the compliance date of October 8, 2001.
- (c) The requirements of 40 CFR 63, Subpart M - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations are not included in this permit because this source is not a major source of Hazardous Air Pollutants (HAPs). The source eliminated the use of a HAP-based (methylene chloride) adhesive from their process prior to the compliance date of April 14, 2004.
- (d) The requirements of 40 CFR 63, Subpart WWW - National Emissions Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production are not included in this permit because the source does not perform reinforced plastic composites production and is not a major source of Hazardous Air Pollutants (HAPs).

State Rule Applicability – Entire Source

326 IAC 2-2 (Prevention of Significant Deterioration)

The continuous conveyor polyurethane foam line, identified as EU01, was constructed in May 1977 and does not emit more than 250 tons per year of any criteria pollutant; therefore, 326 IAC 2-2 does not apply.

326 IAC 2-3 (Emission Offset)

On April 15, 2004, the United States Environmental Protection Agency (U.S. EPA) named 23 Indiana counties, and one partial county, nonattainment for the new 8-hour ozone standard. The designations became effective on June 15, 2004. Elkhart County has been designated as nonattainment for the 8-hour ozone standard.

Since no modifications have been completed since the effective date of the 8-hour ozone standard, this source is not subject to 326 IAC 2-3. Furthermore, the source has accepted federally enforceable limits on VOC such that the amount of VOC emitted is limited to less than one hundred (100) tons per year. The potential emissions of all other pollutants for this source are less than 250 tons per year. Therefore, this source remains a minor source under 326 IAC 2-3 (Emission Offset).

326 IAC 2-4.1 (New Source Toxics Control)

This source has not constructed or reconstructed a facility or process that is a major source of HAP after July 27, 1997. Therefore, this source is not subject to 326 IAC 2-4.1.

326 IAC 2-6 (Emission Reporting)

This source is not subject to 326 IAC 2-6 (Emission Reporting), because the source is located in Elkhart County, and is not required to operate under the Part 70 Permit program.

326 IAC 2-8-4 (FESOP)

The source has a potential to emit VOC that is above the Title V applicability threshold. However, actual emissions are less than the Title V applicability threshold; therefore, the source qualifies as a FESOP source. The source has agreed to accept a VOC usage limit to avoid the requirements of the Part 70 Operating Permit Program.

Pursuant to 326 IAC 2-8, the usage of catalysts and toluene diisocyanate (TDI) at the continuous conveyor polyurethane foam line, identified as EU01, shall be limited such that the combined potential to emit (PTE) of VOCs shall be limited to ninety-five (95) tons per twelve (12) consecutive month period with compliance determined at the end of each month.

Combined with VOC emissions from insignificant activities, the limitations in this condition are required to limit the potential to emit of VOC for the entire source to less than 100 tons per year and will render the requirements of 326 IAC 2-7 and 326 IAC 8-6-1 not applicable.

326 IAC 5-1 (Opacity Limitations)

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

326 IAC 6-5 (Fugitive Particulate Matter Emission Limitations)

Pursuant to 326 IAC 6-5-1(a), this rule does not apply to this source because it is not located in a nonattainment area for particulate matter and pursuant to 326 IAC 6-5-1(b), there has been no new source of fugitive particulate matter emissions since December 13, 1985.

326 IAC 8-6 (Organic Solvent Emission Limitation)

This rule does not apply to this source because the source agreed to accept a VOC usage limit such that potential emissions are less than one hundred (100) tons VOC per year.

State Rule Applicability – Individual Facilities

326 IAC 6-3-2 (Particulate Emission Limitations for Manufacturing Processes)

This rule does not apply to the continuous conveyor polyurethane foam line, identified as EU01 or the adhesive application, because particulate emissions are not generated from the continuous conveyor polyurethane foam line.

326 IAC 8-1-6 (New Facilities - General Reduction Requirements)

The continuous conveyor polyurethane foam line, identified as EU01 and the adhesive application are not subject to the provisions of 326 IAC 8-1-6 because these facilities were constructed prior to January 1, 1980, the effective date of this rule.

326 IAC 8-5 (Miscellaneous Operations)

This rule does not apply to the continuous conveyor polyurethane foam line, identified as EU01 or the adhesive application, because these facilities were constructed prior to the effective date(s) of these rules and are not one of the types described in 326 IAC 8-5.

Testing Requirements

Emissions are calculated based on catalyst usage and the percent flash off provided by the manufacturer of the raw materials. Testing is not necessary because the source will keep monthly records of the amount of raw material used.

Compliance Requirements

Permits issued under 326 IAC 2-8 are required to ensure that sources can demonstrate compliance with applicable state and federal rules on a more or less continuous basis. All state and federal rules contain compliance provisions, however, these provisions do not always fulfill the requirement for a more or less continuous demonstration. When this occurs, IDEM, OAQ in conjunction with the source must develop specific conditions to satisfy 326 IAC 2-8-4. As a result, compliance requirements are divided into two sections: Compliance Determination Requirements and Compliance Monitoring Requirements.

Compliance Determination Requirements in Section D of the permit are those conditions that are found more or less directly within state and federal rules and the violation of which serves as grounds for enforcement action. If these conditions are not sufficient to demonstrate continuous compliance, they will be supplemented with Compliance Monitoring Requirements, also in Section D of the permit. Unlike Compliance Determination Requirements, failure to meet Compliance Monitoring conditions would serve as a trigger for corrective actions and not grounds for enforcement action. However, a violation in relation to a compliance monitoring condition will arise through a source's failure to take the appropriate corrective actions within a specific time period.

There are no compliance monitoring requirements applicable to this source.

Conclusion

The operation of this stationary soft polyurethane foam block manufacturing plant that uses carbon dioxide as a blowing agent shall be subject to the conditions of FESOP 039-22398-00055.

Appendix A: VOC Emissions Calculations

Source Name: Flexible Foam Products, Inc.
Source Location: 1900 W. Lusher Avenue and 28652 Phillips Street
County: Elkhart
FESOP: 039-22398-00055
Reviewer: ERG/JR
Date: 4/11/2006

Potential Emissions

Material Name	Material Density (lbs/gal)	Weight % VOC	VOC Content (lbs/gal)	Emission Factor (% of VOC Emitted ¹)	Material Usage (gals/ton foam)	Max. Foam Production Capacity (tons/hr)	PTE of VOC ⁶ (tons/yr)
Polyol ² F-3040	8.51	0.0033%	0.0003	100%	158	19.0	3.70
TDI ³	10.2	100%	10.2	0.0009%	65.1	19.0	0.50
Flame Retardant PBR	15.7	0%	0.00	100%	3.50	19.0	0.00
Silicone ⁴ Additive	8.50	25.6%	2.18	1.0%	0.34	19.0	0.62
Catalyst ⁵ A 1	7.51	100%	7.51	70.0%	0.128	19.0	56.2
Catalyst ⁵ A33	8.60	100%	8.60	33.0%	0.207	19.0	49.0
TOTAL							110

Insignificant VOC emissions from adhesives usage accounts for 5 tons per year PTE of VOC.

Notes:

- 1 The % VOC emitted is the % which is not consumed by the reaction which forms polyurethane.
- 2 The emissions from polyol are trace VOC impurities listed in the MSDS. F-3040 is the worst case of several types of polyol used.
- 3 The % of TDI (toluene diisocyanate) emitted is based on EPA and OSHA studies.
- 4 Silicone Additive - 99% of VOCs in this additive react and are not emitted per the manufacturer.
- 5 Both catalysts are a blend of dipropylene glycol and amines. The glycol fraction, according to the manufacturer, is completely consumed by the reaction. The fraction that was not glycol (70% and 33% for the two catalysts, respectively) was assumed to be emitted at 100%. Both catalysts have low vapor pressures, so any emissions of unreacted glycol would be more than outweighed by the conservative assumption regarding the amine component.
- 6 Potential emissions are based on a maximum production of 456.6 tons of foam per day (production 24 hours per day).

Methodology:

VOC Content (lbs/gal) = Material Density (lbs/gal) * Weight % VOC

PTE of VOC (tons/yr) = VOC Content (lbs/gal) * Emission Factor (% of VOC Emitted) * Material Usage (gals/ton foam) * Max Foam Production Capacity (tons/hr) * 8760 hrs/yr * 1 ton/2000 lbs

Appendix A: HAP Emissions Calculations

TSD Appendix A
Page 2 of 2

Source Name: Flexible Foam Products, Inc.
Source Location: 1900 W. Lusher Avenue and 28652 Phillips Street
County: Elkhart
FESOP: 039-22398-00055
Reviewer: ERG/JR
Date: 4/11/2006

Material Name	Material Density (lbs/gal)	Material Usage (gals/ton foam)	Max. Foam Production Capacity (tons/hr)	Weight % Total HAP	Ethylene Oxide (wt %)	Acetaldehyde (wt %)	Propylene Oxide (wt %)	PTE of HAP (tons/yr)		
								PTE of Ethylene Oxide	PTE of Acetaldehyde	PTE of Propylene Oxide
Polyol F-3040	8.51	158	19.0	0.0008%	0.0001%	0.0002%	0.0005%	0.11	0.22	0.56
TDI	10.2	65.1	19.0	0%	No HAPs in these materials.					
Flame Retardant	15.7	3.50	19.0	0%						
Silicone Additive	8.50	0.34	19.0	0%						
NIAX Catalyst A 1	7.51	0.128	19.0	0%						
NIAX Catalyst A33	8.60	0.207	19.0	0%						

Methodology:

PTE of HAP (tons/yr) = Material Density (lbs/gal) * Material Usage (gals/ton foam) * Max. Foam Production Capacity (tons/hr) * HAP (wt %) * 8760 hrs/yr * 1 ton/2000 lbs



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Commissioner

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Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

SENT VIA U.S. MAIL: CONFIRMED DELIVERY AND SIGNATURE REQUESTED

TO: Scott Whitaker
Flexible Foam Products
1900 W Lusher Ave
Elkhart, IN 46517

DATE: November 16, 2007

FROM: Nisha Sizemore, Chief
Permits Branch
Office of Air Quality

SUBJECT: Final Decision
FESOP - Administrative Amendment
039-25386-00055

Enclosed is the final decision and supporting materials for the air permit application referenced above. Please note that this packet contains the original, signed, permit documents.

The final decision is being sent to you because our records indicate that you are the contact person for this application. However, if you are not the appropriate person within your company to receive this document, please forward it to the correct person.

A copy of the final decision and supporting materials has also been sent via standard mail to:
Jerry Eagon, General Manager
OAQ Permits Branch-Interested Parties List

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178, or toll-free at 1-800-451-6027 (ext 3-0178), and ask to speak to the permit reviewer who prepared the permit. If you think you have received this document in error, please contact Joanne Smiddie-Brush of my staff at 1-800-451-6027 (ext 3-0185), or via e-mail at jbrush@idem.IN.gov.

Final Applicant Cover letter dot 03/23/05



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(800) 451-6027
www.IN.gov/Idem

TO: Interested Parties / Applicant

DATE: November 16, 2007

RE: Flexible Foam Products / 039-25386-00055

FROM: Nisha Sizemore
Chief, Permits Branch
Office of Air Quality

Notice of Decision – Approval

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to 326 IAC 2, this approval was effective immediately upon submittal of the application.

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days from the mailing of this notice.** The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for considerations at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosures
FNPER-AM dot 03/23/06



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MC 61 - 53 IGCN 1003
Indianapolis, Indiana 46204-2251
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(800) 451-6027
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Mr. Scott Whitaker
Flexible Foam Products, Inc.
1900 West Lusher Avenue
Elkhart, Indiana 46517

November 16, 2007

RE: 039-25386-00055
First Administrative Amendment to
FESOP Renewal No. F039-25386-00055

Dear Mr. Whitaker:

On October 10, 2007, an application was received from Flexible Foam Products, Inc. located at 1900 West Lusher Avenue and 28652 Phillips Street, Elkhart, Indiana 46517. The application requests the addition of four (4) 13,000 gallon toluene diisocyanate storage tanks as an insignificant activity. The potential to emit of toluene diisocyanate from the proposed storage tanks is 6 lb/yr or 0.003 ton/yr. The combined VOC emissions from the proposed storage tanks, along with other insignificant activities, will remain less than five (5) tons per year and the total VOC emissions from the entire source will remain under one-hundred (100) tons per year. Emission calculations for the storage tanks were provided by the Permittee and verified by the Indiana Department of Environmental Management, Office of Air Quality.

Additionally, IDEM, OAQ is revising certain sections or portions of the permit to accommodate regulatory and/or administrative changes. The **bold faced language** is new language that has been added and the ~~strikeout language~~ has been removed. Pursuant to the provisions of 326 IAC 2-8-10(a)(14), the permit is hereby administratively changed as follows:

- 1) To minimize future amendments and errors, the page numbers have been removed from the table of contents. Several insignificant typographical and formatting errors have been corrected.
- 2) To minimize future amendments to the issued Federally Enforceable State Operating Permits, the OAQ decided to delete the name and/or title of the Authorized Individual in Section A.1, General Information, of the permit. However, OAQ will still be evaluating if a change in AI meets the criteria specified in 326 IAC 2-1.1-1(1). Also, on September 6, 2007, the Indiana Pollution Control Board finalized a temporary emergency rule to redesignate Elkhart County as attainment for the 8-hour ozone standard. The revised permit condition is as follows:

A.1 General Information [326 IAC 2-8-3(b)]

The Permittee owns and operates a stationary soft polyurethane foam block manufacturing plant that uses carbon dioxide as a blowing agent.

Authorized individual:	Jerry Eagon, General Manager
Source Address:	1900 W. Lusher Avenue and 28652 Phillips Street, Elkhart, Indiana 46517
Mailing Address:	1900 W. Lusher Avenue, Elkhart, Indiana 46517
General Source Phone	(574) 294-7694
SIC Code	3086

County Location: Elkhart
Source Location Status: ~~Nonattainment for ozone under the 8-hour standard~~
Attainment for all other criteria pollutants
Source Status: Federally Enforceable State Operating Permit (FESOP);
Minor Source, under PSD and Emission Offset Rules;
Minor Source, Section 112 of the Clean Air Act; and
Not in 1 of 28 Source Categories.

- 3) All references to IDEM, OAQ's mailing address have been revised as follows:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, **MC61-53 IGCN 1003**
Indianapolis, Indiana **46204-2251**

Indiana Department of Environmental Management
Modeling Section, Office of Air Quality
100 North Senate Avenue, **MC61-50 IGCN 1003**
Indianapolis, Indiana **46204-2251**

Indiana Department of Environmental Management
Asbestos Section, Office of Air Quality
100 North Senate Avenue, **MC61-52 IGCN 1003**
Indianapolis, Indiana **46204-2251**

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, **MC61-53 IGCN 1003**
Indianapolis, Indiana **46204-2251**

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue, **MC61-53 IGCN 1003**
Indianapolis, Indiana **46204-2251**

Indiana Department of Environmental Management
Air Compliance Section, Office of Air Quality
100 North Senate Avenue, **MC61-53 IGCN 1003**
Indianapolis, Indiana **46204-2251**

- 4) Section A.4 has been modified to add four additional toluene diisocyanate tanks to the permit. The revised permit condition is as follows:

A.4 Insignificant Activities [326 IAC 2-7-1(21)] [326 IAC 2-8-3(c)(3)(I)]

This stationary source also consists of the following insignificant activities, as defined in 326 IAC 2-7-1(21):

- (a) Paved or unpaved roads and parking lots with public access [326 IAC 6-4]
- (b) The following storage tanks emitting VOC emissions less than three (3) pounds per hour or fifteen (15) pounds per day, and emitting HAP emissions greater than one (1) pound per day but less than five (5) pounds per day or one (1) ton per year of a single HAP, or emitting HAP emissions greater than one (1) pound per day but less than twelve and five tenths (12.5) pounds per day or two and five tenths (2.5) ton per year of any combination of HAPs:
 - (1) Five (5) 6,000-gallon toluene diisocyanate tanks.
 - (2) Four (4) 13,000-gallon toluene diisocyanate tanks.

- (c) Natural gas-fired combustion sources with heat input equal to or less than ten (10) million Btu per hour.
 - (d) Emission units with PM and PM10 emissions less than five (5) tons per year, SO₂, NO_x, and VOC emissions less than ten (10) tons per year, CO emissions less than twenty-five (25) tons per year, lead emissions less than two-tenths (0.2) tons per year, single HAP emissions less than one (1) ton per year, and combination of HAPs emissions less than two and a half (2.5) tons per year:
 - (1) Adhesives usage at the Lusher Street plant;
 - (2) Adhesives usage at the Phillips Street plant.
- 5) Condition B.17(a) has been revised to change the reference to the "Responsible Official" to the "Authorized Individual." The proposed revisions are as follows:

B.17 Permit Renewal [326 IAC 2-8-3(h)]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ, and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require the certification by the "~~responsible official~~ **authorized individual**" as defined by 326 IAC ~~2-7-4(34)~~ **2-1.1-1(1)**.

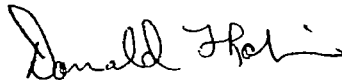
Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, MC61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

All other conditions of the permit shall remain unchanged and in effect. For your convenience, the entire revised Federally Enforceable State Operating Permit Renewal, with all modification and amendments made to it, is being provided.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact David J. Matousek, OAQ, 100 North Senate Avenue, MC61-53 IGCN 1003, Indianapolis, Indiana, 46206-2251, at (800) 451-6027, and ask for David Matousek or extension 4-5174, or dial (317) 234-5174.

Sincerely,



Donald F. Robin, P.E., Section Chief
Permits Branch
Office of Air Quality

Attachments: Copy of revised permit
DJM/djm

cc: File - Elkhart County
Elkhart County Health Department
Northern Regional Office
Air Compliance Inspector
Administrative and Development Section
Compliance Branch
Technical Support and Modeling
U.S. EPA Region V



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FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) RENEWAL OFFICE OF AIR QUALITY

Flexible Foam Products, Inc.
1900 W. Lusher Avenue and 28652 Phillips Street
Elkhart, Indiana 46517

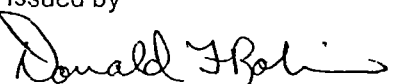
(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

The Permittee must comply with all conditions of this permit. Noncompliance with any provision of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; and denial of a permit renewal application. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in Section B, Emergency Provisions.

Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a FESOP under 326 IAC 2-8.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-8 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

Operation Permit No.: F039-22398-00055	
Issued by: Original Signed By Nisha Sizemore, Chief Permits Branch Office of Air Quality	Issuance Date: March 2, 2007 Expiration Date: March 2, 2012

First Administrative Amendment No.: 039-25386-00055	
Issued by:  Donald F. Robin, P.E., Section Chief Permits Branch Office of Air Quality	Issuance Date: November 16, 2007 Expiration Date: March 2, 2012

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT***We Protect Hoosiers and Our Environment.**Mitchell E. Daniels Jr.*
Governor*Thomas W. Easterly*
Commissioner100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov**SENT VIA U.S. MAIL: CONFIRMED DELIVERY AND SIGNATURE REQUESTED**

TO: Jerry Eagon
Flexible Foam Products, Inc
1900 W Lusher Avenue
Elkhart, Indiana 46517

DATE: October 9, 2009

FROM: Matt Stuckey, Branch Chief
Permits Branch
Office of Air Quality

SUBJECT: Final Decision
FESOP
039-28515-00055

Enclosed is the final decision and supporting materials for the air permit application referenced above. Please note that this packet contains the original, signed, permit documents.

The final decision is being sent to you because our records indicate that you are the contact person for this application. However, if you are not the appropriate person within your company to receive this document, please forward it to the correct person.

A copy of the final decision and supporting materials has also been sent via standard mail to Lauren Pecina (Bruce Carter Associates)
OAQ Permits Branch Interested Parties List

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178, or toll-free at 1-800-451-6027 (ext. 3-0178), and ask to speak to the permit reviewer who prepared the permit. If you think you have received this document in error, please contact Joanne Smiddle-Brush of my staff at 1-800-451-6027 (ext 3-0185), or via e-mail at jbrush@idem.IN.gov.

Final Applicant Cover letter dot 11/30/07



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Indianapolis, Indiana 46204
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Toll Free (800) 451-6027
www.idem.IN.gov

TO Interested Parties / Applicant

DATE October 9, 2009

RE. Flexible Foam Products, Inc. / 039-28515-00055

FROM Matthew Stuckey, Branch Chief
Permits Branch
Office of Air Quality

Notice of Decision – Approval

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to 326 IAC 2, this approval was effective immediately upon submittal of the application.

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Suite N 501E, Indianapolis, IN 46204, **within eighteen (18) calendar days from the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for consideration at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosures
FNPER-AM.doc12/3/07



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment**Mitchell E. Daniels Jr.*
Governor*Thomas W. Easterly*
Commissioner100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.govMr. Jerry Eagon
Flexible Foam Products, Inc.
1900 West Lusher Avenue
Elkhart, Indiana 46517

October 9, 2009

RE: 039-28515-00055
Second Administrative Amendment to
FESOP No..F039-25386-00055

Dear Mr. Eagon.

On October 1, 2009, an application was received from Flexible Foam Products, Inc. located at 1900 West Lusher Avenue and 28652 Phillips Street, Elkhart, Indiana 46517. The application requests the change of descriptive information in Sections A.3(a) and D.1(a). The source is combining four (4) existing stacks identified as S-2, S-3, S-4, and S-5 on their foam line using a common manifold with a 24" diameter that will exhaust 20 feet from the roof, and increase the air flow rate to the stack to 20,000CFM. The new stack is identified as S-2-3-4-5. There is no change in potential emissions from this modification.

Pursuant to the provisions of 326 IAC 2-8-10(a)(14), the permit is hereby revised as follows with the deleted language as ~~strikeouts~~ and new language **bolded**.

A.3 Emission Units and Pollution Control Equipment Summary [326 IAC 2-8-3(c)(3)]

This stationary source consists of the following emission units and pollution control devices

- (a) One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks, using carbon dioxide as the blowing agent, with a maximum capacity of 19.024 tons per hour of polyurethane, exhausting to ~~six (6)~~ **three (3)** stacks, identified as S-1, ~~S-2, S-3, S-4, S-5, S-2-3-4-5,~~ and S-6, respectively. This continuous conveyor polyurethane foam line was constructed in May 1977.

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FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) RENEWAL OFFICE OF AIR QUALITY

Flexible Foam Products, Inc.
1900 W. Lusher Avenue and 28652 Phillips Street
Elkhart, Indiana 46517

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit

The Permittee must comply with all conditions of this permit. Noncompliance with any provision of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; and denial of a permit renewal application. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in Section B, Emergency Provisions.

Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a FESOP under 326 IAC 2-8.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-8 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17

Operation Permit No.: F039-22398-00055	
Issued by: Original Signed By Nisha Sizemore, Chief Permits Branch Office of Air Quality	Issuance Date: March 2, 2007 Expiration Date: March 2, 2012

First Administrative Amendment No.: 039-25386-00055


Second Administrative Amendment No.: 039-28515-00055	
Original signed by:  Lyn Calilung, Section Chief Permits Branch Office of Air Quality	Issuance Date: October 9, 2009 Expiration Date: March 2, 2012

Exhibit D (1)

February 4, 2002

Jerry Eagon
Flexible Foam Products, Inc.
P.O. Box 2057
Elkhart, IN 46515-2057

Re: 039-15167-00055
Administrative Amendment to
FESOP 039-14582-00055

Dear Mr. Eagon:

Flexible Foam Products, Inc. was issued a federally enforceable state operation permit (FESOP) on October 6, 2001 for a flexible polyurethane foam manufacturing plant located at 1900 West Lusher Avenue, Elkhart, IN 46517-1310. An application requesting a revision was received on November 15, 2001. The request was made:

1. to provide flexibility in the use of different VOC-containing materials.
2. to modify a requirement to eliminate usage of methylene chloride, and
3. to correct a typographical error.

Pursuant to the provisions of 326 IAC 2-8-10(a)(1),(3) and (6), the permit is hereby administratively amended as follows:

D.1.4 Volatile Organic Compounds [326 IAC 2-8] [326 IAC 8-6-1]

Pursuant to 326 IAC 2-8, the input to the production line shall be limited to less than 95 tons of VOCs per twelve consecutive month period adjusted by the amount of non-reacting VOC. **The amount of non-reacting VOC** which shall be based on information contained in **material safety data sheets (MSDS) or other written documentation provided by the manufacturers of the VOC-containing materials.** the following equation:

$$\begin{aligned} & \text{---} (\text{Tons of polyol used} * \text{VOC content} * 1) + (\text{Tons of toluene diisocyanate} * 1 * 0.0009\%) + \\ & \text{---} (\text{Tons of silicone additive} * \text{VOC content} * 1\%) + (\text{Tons of catalyst A1} * \text{VOC content} * 70\%) + \\ & \text{---} (\text{Tons of catalyst A33} * \text{VOC content} * 33\%) \end{aligned}$$

This input limit is required to limit the potential to emit VOC to less than 95 tons per twelve consecutive month period. Compliance with this limit makes 326 IAC 2-7, 326 IAC 2-2, and 326 IAC 8-6-1 not applicable.

D.1.5 Hazardous Air Pollutants [40 CFR 63 Subpart III] [326 IAC 20]

~~Methylene chloride shall not be used as a foam blowing agent or cleaning solvent after October 8, 2001.~~ **The source's potential to emit hazardous air pollutants (HAPs) shall comply with Condition C.1 of this permit. Condition C.1** ~~This condition~~ makes 40 CFR 63, Subpart III, the standard for flexible polyurethane foam production, not applicable.

Any change or modification which increases the emissions of a single HAP to 10 tons per year or more from this facility, or a combination of HAPs to 25 tons per year from this facility, shall obtain prior approval by the Office of Air Quality (OAQ) before such change may occur. Such change may also be subject to the requirements of 326 IAC 2-4.1

D.1.7 Record Keeping Requirements

- (a) To document compliance with Condition D.1.4 **and D.1.5**, the Permittee shall maintain records in accordance with (1) through (3) below. Records maintained for (1) and ~~(2)~~ **(3)** shall be taken monthly and shall be complete and sufficient to establish compliance with the VOC usage and/or emission limits established in Condition D.1.4.
- (1) The amount of **VOC and HAP content** of all catalysts and raw materials input to the polyurethane process. Records shall include purchase orders, invoices, **labels**, and material safety data sheets (MSDS) necessary to verify the type and amount used, as well as identify the non-reactivity of each VOC in each component used in the polyurethane foam formation process;
- (2) The weight of VOCs emitted for each compliance period.
- (3) **The weight of HAPs emitted per twelve-month period.**
- (b) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this amendment and the following revised permit pages to the front of the original permit.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Allen R. Davidson at (800) 451-6027, press 0 and ask for extension 3-5693, or dial (317) 233-5693.

Sincerely,

Original signed by Paul Dubenetzky

Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

Attachments
ARD

cc: File - Elkhart County
U.S. EPA, Region V
Elkhart County Health Department
IDEM - Northern Regional Office
Air Compliance Section Inspector - Paul Karkiewicz
Compliance Data Section - Karen Nowak
Administrative and Development - Janet Mobley
Technical Support and Modeling - Michele Boner

**FEDERALLY ENFORCEABLE STATE
OPERATING PERMIT (FESOP)
OFFICE OF AIR QUALITY**

**Flexible Foam Products, Inc.
1900 W. Lusher Avenue
Elkhart, Indiana 46517-1310**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-8 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

Operation Permit No.: F039-14582-00055	
Issued by: Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: October 6, 2001 Expiration Date: October 6, 2006
First Administrative Amendment 039-15167-00055	Pages Amended: 23, 24
Original signed by Paul Dubenetzky Issued by: Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: February 4, 2002

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SECTION A SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ). The information describing the source contained in conditions A.1 through A.3 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

A.1 General Information [326 IAC 2-8-3(b)]

The Permittee owns and operates a stationary, soft polyurethane foam block manufacturing plant.

Authorized individual:	Jerry Eagon, General Manager
Source Address:	1900 W. Lusher Avenue, Elkhart, Indiana 46515
Mailing Address:	1900 W. Lusher Avenue, Elkhart, Indiana 46515
SIC Code:	3086
Source Location Status:	Elkhart
County Status:	Attainment for all criteria pollutants
Source Status:	Federally Enforceable State Operating Permit (FESOP) Minor Source, under PSD; Minor Source, Section 112 of the Clean Air Act

A.2 Source Definition [326 IAC 2-8-1] [326 IAC 2-7-1(22)]

This polyurethane foam manufacturing company consists of two (2) plants:

- (a) Plant 1 is located at 1900 W. Lusher Avenue, Elkhart, Indiana; and
- (b) Plant 2 is located at 28652 Phillips Street, Elkhart, Indiana.

Since the two (2) plants are located on contiguous or adjacent properties, belong to the same industrial grouping, and under common control of the same entity, they will be considered one (1) source, effective from the date of issuance of this FESOP

A.3 Emission Units and Pollution Control Equipment Summary [326 IAC 2-8-3(c)(3)]

This stationary source consists of the following emission units and pollution control devices:

One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks using carbon dioxide as a blowing agent, with a maximum capacity of 19.024 tons per hour of polyurethane exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S-6, respectively. This continuous conveyor polyurethane foam line was constructed in May 1977.

A.4 Insignificant Activities [326 IAC 2-7-1(21)] [326 IAC 2-8-3(c)(1)]

The source also consists of the following insignificant activities, as defined in 326 IAC 2-7-1(21):

- (a) Emission units with PM and PM10 emissions less than five (5) tons per year, SO₂, NO_x, and VOC emissions less than ten (10) tons per year, CO emissions less than twenty-five (25) tons per year, lead emissions less than two-tenths (0.2) tons per year, single HAP emissions less than one (1) ton per year, and combination of HAPs emissions less than two and a half (2.5) tons per year:
 - (1) Adhesives usage at the Lusher Street plant;
 - (2) Adhesives usage at the Phillips Street plant.
- (b) The following VOC storage tanks emitting less than fifteen (15) pounds per day of VOC:

- (1) Nine (9) 6,000-gallon toluene diisocyanate tanks.
- (c) Natural gas-fired combustion sources with heat input equal to or less than ten (10) million Btu per hour.
- (d) A petroleum fuel, other than gasoline, dispensing facility, having a storage capacity of less than or equal to 10,500 gallons, and dispensing less than or equal to 230,000 gallons per month.
- (e) Paved or unpaved roads and parking lots with public access.

A.5 FESOP Applicability [326 IAC 2-8-2]

This stationary source, otherwise required to have a Part 70 permit as described in 326 IAC 2-7-2(a), has applied to the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) for a Federally Enforceable State Operating Permit (FESOP).

A.6 Prior Permit Conditions

- (a) This permit shall be used as the primary document for determining compliance with applicable requirements established by previously issued permits.
- (b) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, including any term or condition from a previously issued construction or operation permit, IDEM, OAQ, shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued.

SECTION B GENERAL CONDITIONS

B.1 Permit No Defense [IC 13]

Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a FESOP under 326 IAC 2-8.

B.2 Definitions [326 IAC 2-8-1]

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2, and 326 IAC 2-7) shall prevail.

B.3 Permit Term [326 IAC 2-8-4(2)]

This permit is issued for a fixed term of five (5) years from the original date, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date.

B.4 Enforceability [326 IAC 2-8-6]

Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.

B.5 Termination of Right to Operate [326 IAC 2-8-9] [326 IAC 2-8-3(h)]

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-8-3(h) and 326 IAC 2-8-9.

B.6 Severability [326 IAC 2-8-4(4)]

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

B.7 Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

B.8 Duty to Supplement and Provide Information [326 IAC 2-8-3(f)] [326 IAC 2-8-4(5)(E)] [326 IAC 2-8-5(a)(4)]

- (a) The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

The submittal by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ, may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The submittal by the Permittee does require the certification by the

"authorized individual" as defined by 326 IAC 2-1.1-1(1). Upon request, the Permittee shall also furnish to IDEM, OAQ, copies of records required to be kept by this permit or, for information claimed to be confidential, the Permittee may furnish such records directly to the U. S. EPA along with a claim of confidentiality.[326 IAC 2-8-4(5)(E)]

- (c) The Permittee may include a claim of confidentiality in accordance with 326 IAC 17. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

B.9 Compliance Order Issuance [326 IAC 2-8-5(b)]

IDEM, OAQ may issue a compliance order to this Permittee upon discovery that this permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement.

B.10 Compliance with Permit Conditions [326 IAC 2-8-4(5)(A)] [326 IAC 2-8-4(5)(B)]

- (a) The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit is grounds for:
- (1) Enforcement action;
 - (2) Permit termination, revocation and reissuance, or modification; and
 - (3) Denial of a permit renewal application.
- (b) It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (c) An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in condition B, Emergency Provisions.

B.11 Certification [326 IAC 2-8-3(d)] [326 IAC 2-8-4(3)(C)(i)] [326 IAC 2-8-5(1)]

- (a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by an authorized individual of truth, accuracy, and completeness. This certification, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification.
- (c) An authorized individual is defined at 326 IAC 2-1.1-1(1).

B.12 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than April 15 of each year to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality

100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
 - (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was continuous or intermittent;
 - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
 - (5) Such other facts as specified in Sections D of this permit, IDEM, OAQ, may require to determine the compliance status of the source.

The notification which shall be submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

B.13 Preventive Maintenance Plan [326 IAC 1-6-3] [326 IAC 2-8-4(9)] [326 IAC 2-8-5(a)(1)]

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall maintain and implement Preventive Maintenance Plans (PMPs), including the following information on each facility:
 - (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.
- (b) The Permittee shall implement the PMPs as necessary to ensure that failure to implement a PMP does not cause or contribute to a violation of any limitation on emissions or potential to emit.
- (c) A copy of the PMPs shall be submitted to IDEM, OAQ, upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ, may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or contributes to any violation. The PMP does not require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (d) Records of preventive maintenance shall be retained for a period of at least five (5) years. These records shall be kept at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as

they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.

B.14 Emergency Provisions [326 IAC 2-8-12]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as provided in 326 IAC 2-8-12.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describes the following:

- (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
- (2) The permitted facility was at the time being properly operated;
- (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, and the Northern Regional Office within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone No.: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section) or,
Telephone No.: 317-233-5674 (ask for Compliance Section)
Facsimile No.: 317-233-5967

Northern Region:
Telephone No.: 1-800-753-5519
Telephone No.: 219-245-4870
Telephone No.: 219-245-4877

Failure to notify IDEM, OAQ, and IDEM Northern Regional Office by telephone or facsimile within four (4) daytime business hours after the beginning of the emergency, or after the emergency is discovered or reasonably should have been discovered, shall constitute a violation of 326 IAC 2-8 and any other applicable rules. [326 IAC 2-8-12(f)]

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-8-4(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;
- (B) Any steps taken to mitigate the emissions; and
- (C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) IDEM, OAQ, may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.
- (f) Failure to notify IDEM, OAQ, by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-8 and any other applicable rules.
- (g) Operations may continue during an emergency only if the following conditions are met:
 - (1) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.
 - (2) If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:
 - (A) The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and
 - (B) Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.

Any operations shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.

B.15 Deviations from Permit Requirements and Conditions [326 IAC 2-8-4(3)(C)(iii)]

- (a) Deviations from any permit requirements (for emergencies see Section B - Emergency Provision), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

using the attached Quarterly Deviation and Compliance Monitoring Report, or its equivalent. Deviations that are required to be reported by an applicable requirement shall be reported according to the schedule stated in the applicable requirement and do not need to be included in this report.

The notification by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit or a rule. It does not include:
- (1) An excursion from compliance monitoring parameters as identified in Section D of this permit unless tied to an applicable rule or limit; or
 - (2) Failure to implement elements of the Preventive Maintenance Plan unless such failure has caused or contributed to a deviation.

A Permittee's failure to take the appropriate response step when an excursion of a compliance monitoring parameter has occurred is a deviation.

- (c) Emergencies shall be included in the Quarterly Deviation and Compliance Monitoring Report.

B.16 Permit Modification, Reopening, Revocation and Reissuance, or Termination [326 IAC 2-8-4(5)(C)] [326 IAC 2-8-7(a)] [326 IAC 2-8-8]

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a FESOP modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-8-4(5)(C)] The notification by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:
- (1) That this permit contains a material mistake.
 - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
 - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-8-8(a)]

- (c) Proceedings by IDEM, OAQ, to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-8-8(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-8-8(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ, at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ, may provide a shorter time period in the case of an emergency. [326 IAC 2-8-8(c)]

B.17 Permit Renewal [326 IAC 2-8-3(h)]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-8-3. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, IN 46206-6015

- (b) Timely Submittal of Permit Renewal [326 IAC 2-8-3]

- (1) A timely renewal application is one that is:

- (A) Submitted at least nine (9) months prior to the date of the expiration of this permit; and 1/6/06 (REMINDED FOR 8/6/05)
- (B) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.

- (2) If IDEM, OAQ upon receiving a timely and complete permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect until the renewal permit has been issued or denied.

- (c) Right to Operate After Application for Renewal [326 IAC 2-8-9]
If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-8 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified in writing by IDEM, OAQ, any additional information identified as needed to process the application.

B.18 Permit Amendment or Revision [326 IAC 2-8-10] [326 IAC 2-8-11.1]

- (a) Permit amendments and revisions are governed by the requirements of 326 IAC 2-8-10 or 326 IAC 2-8-11.1 whenever the Permittee seeks to amend or modify this permit.

- (b) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

Any such application should be certified by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) The Permittee may implement the administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]

B.19 Operational Flexibility [326 IAC 2-8-15]

- (a) The Permittee may make any change or changes at this source that are described in 326 IAC 2-8-15(b) through (d), without prior permit revision, if each of the following conditions is met:

- (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
- (2) Any approval required by 326 IAC 2-8-11.1 has been obtained;
- (3) The changes do not result in emissions which exceed the emissions allowable under this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
- (4) The Permittee notifies the:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590.

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

- (5) The Permittee maintains records on-site which document, on a rolling five (5)-year basis, all such changes and emissions trading that are subject to 326 IAC 2-8-15(b) through (d) and makes such records available, upon reasonable request, to public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ, in the notices specified in 326 IAC 2-8-15(b), (c)(1), and (d).

- (b) The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(36)) without a permit revision, subject to the constraint of 326 IAC 2-8-15(a) and the following additional conditions:

- (1) A brief description of the change within the source;
- (2) The date on which the change will occur;
- (3) Any change in emissions; and
- (4) Any permit term or condition that is no longer applicable as a result of the change.

The notification which shall be submitted by the Permittee does not require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1.

- (c) Emission Trades [326 IAC 2-8-15(c)]
The Permittee may trade increases and decreases in emissions in the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-8-15(c).
- (d) Alternative Operating Scenarios [326 IAC 2-8-15(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, OAQ or U.S. EPA is required.

B.20 Permit Revision Requirement [326 IAC 2-8-11.1]

A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2 and 326 IAC 2-8-11.1.

B.21 Inspection and Entry [326 IAC 2-8-5(a)(2)] [IC 13-14-2-2]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a FESOP source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) Utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

B.22 Transfer of Ownership or Operational Control [326 IAC 2-8-10]

- (a) The Permittee must comply with the requirements of 326 IAC 2-8-10 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.
- (b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

The application which shall be submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-11(b)(3)]

B.23 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16]

- (a) The Permittee shall pay annual fees to IDEM, OAQ, within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.
- (b) Failure to pay may result in administrative enforcement action, or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-0425 (ask for OAQ, Technical Support and Modeling Section), to determine the appropriate permit fee.

B.24 Advanced Source Modification Approval [326 IAC 2-8-4(11)] [326 IAC 2-1.1-9]

- (a) The requirements to obtain a permit revision under 326 IAC 2-8-11.1 are satisfied by this permit for the proposed emission units, control equipment or insignificant activities in Section A.3, specifically the equipment required to use carbon dioxide as a blowing agent.
- (b) Pursuant to 326 IAC 2-1.1-9 any permit authorizing construction may be revoked if construction of the emission unit has not commenced within eighteen (18) months from the date of issuance of the permit, or if during the construction work is suspended for a continuous period of one (1) year or more.

SECTION C SOURCE OPERATION CONDITIONS

Entire Source

Emissions Limitations and Standards [326 IAC 2-8-4(1)]

C.1 Overall Source Limit [326 IAC 2-8]

The purpose of this permit is to limit this source's potential to emit to less than major source levels for the purpose of Section 502(a) of the Clean Air Act.

- (a) Pursuant to 326 IAC 2-8:
 - (1) The potential to emit any regulated pollutant, except particulate matter (PM), from the entire source shall be limited to less than one-hundred (100) tons per twelve (12) consecutive month period. This limitation shall also make the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable.
 - (2) The potential to emit any individual hazardous air pollutant (HAP) from the entire source shall be limited to less than ten (10) tons per twelve (12) consecutive month period; and
 - (3) The potential to emit any combination of HAPs from the entire source shall be limited to less than twenty-five (25) tons per twelve (12) consecutive month period.
- (b) This condition shall include all emission points at this source including those that are insignificant as defined in 326 IAC 2-7-1(21). The source shall be allowed to add insignificant activities not already listed in this permit, provided that the source's potential to emit does not exceed the above specified limits.
- (c) Section D of this permit contains independently enforceable provisions to satisfy this requirement.

C.2 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

C.3 Open Burning [326 IAC 4-1] [IC 13-17-9]

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1. 326 IAC 4-1-3(a)(2)(A) and (B) are not federally enforceable.

C.4 Incineration [326 IAC 4-2] [326 IAC 9-1-2(3)]

The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and in 326 IAC 9-1-2. 326 IAC 9-1-2 is not federally enforceable.

C.5 Fugitive Dust Emissions [326 IAC 6-4]

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions). 326 IAC 6-4-2(4) is not federally enforceable.

C.6 Operation of Equipment [326 IAC 2-8-5(a)(4)]

Except as otherwise provided by statute, rule or in this permit, all air pollution control equipment listed in this permit and used to comply with an applicable requirement shall be operated at all times that the emission unit vented to the control equipment is in operation.

C.7 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.
- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:
 - (1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or
 - (2) If there is a change in the following:
 - (A) Asbestos removal or demolition start date;
 - (B) Removal or demolition contractor; or
 - (C) Waste disposal site.
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Asbestos Section, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

The notifications do not require a certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (e) Procedures for Asbestos Emission Control

The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-4 emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.

- (f) **Indiana Accredited Asbestos Inspector**
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement that the inspector be accredited is federally enforceable.

Testing Requirements [326 IAC 2-8-4(3)]

C.8 Performance Testing [326 IAC 3-6]

- (a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ.

A test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ, if the source submits to IDEM, OAQ, a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

Compliance Requirements [326 IAC 2-1.1-11]

C.9 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

Compliance Monitoring Requirements [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]

C.10 Compliance Monitoring [326 IAC 2-8-4(3)] [326 IAC 2-8-5(a)(1)]

Unless otherwise specified in this permit, all monitoring and record keeping requirements not already legally required shall be implemented upon issuance of this permit. If required by

Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment.

Unless otherwise specified in the approval for the new emissions unit, compliance monitoring for new emission units or emission units added through a permit revision shall be implemented when operation begins.

C.11 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]

Any monitoring or testing performed required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60 Appendix B, 40 CFR 63 or other approved methods as specified in this permit.

C.12 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68.215]

If a regulated substance, subject to 40 CFR 68, is present at a source in more than a threshold quantity, 40 CFR 68 is an applicable requirement and the Permittee shall submit:

- (a) A compliance schedule for meeting the requirements of 40 CFR 68; or
- (b) As a part of the annual compliance certification submitted under 326 IAC 2-7-6(5), a certification statement that the source is in compliance with all the requirements of 40 CFR 68, including the registration and submission of a Risk Management Plan (RMP); and
- (c) A verification to IDEM, OAQ, that a RMP or a revised plan was prepared and submitted as required by 40 CFR 68 on June 10, 1999.

All documents submitted pursuant to this condition shall include the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

C.13 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4] [326 IAC 2-8-5]

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate response actions. The Permittee shall submit a description of these response actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the response actions are being implemented.
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAQ may extend the retesting deadline.
- (c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The documents submitted pursuant to this condition do not require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]

C.14 Emission Statement [326 IAC 2-6] [326 IAC 2-8-4(3)]

- (a) The Permittee shall submit an emission statement certified pursuant to the requirements of 326 IAC 2-6. This statement must be received in accordance with the compliance

schedule specified in 326 IAC 2-6-3 and must comply with the minimum requirements specified in 326 IAC 2-6-4. The submittal should cover the period defined in 326 IAC 2-6-2(8). The statement must be submitted to:

Indiana Department of Environmental Management
Technical Support and Modeling Section, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

The emission statement does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) The emission statement required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.

C.15 General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]

- (a) Records of all required data, reports and support information shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be kept at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.

C.16 General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]

- (a) The source shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015
- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.
- (d) Unless otherwise specified in this permit, any quarterly report required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period.

The report does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (e) Reporting periods are based on calendar years.

Stratospheric Ozone Protection

C.17 Compliance with 40 CFR 82 and 326 IAC 22-1

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with the standards for recycling and emissions reduction:

- (a) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices pursuant to 40 CFR 82.156
- (b) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- (c) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

SECTION D.1

FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-8-4(10)]:

One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks using carbon dioxide as a blowing agent, with a maximum capacity of 19.024 tons per hour of polyurethane exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S-6, respectively. This continuous conveyor polyurethane foam line was constructed in May 1977.

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

THIS SECTION OF THE PERMIT IS BEING ISSUED UNDER THE PROVISIONS OF 326 IAC 2-1 AND 326 IAC 2-8-11.1, WITH CONDITIONS LISTED BELOW.

Construction Conditions

General Construction Conditions

- D.1.1 This permit to construct does not relieve the Permittee of the responsibility to comply with the provisions of the Indiana Environmental Management Law (IC 13-11 through 13-20; 13-22 through 13-25; and 13-30), the Air Pollution Control Law (IC 13-17) and the rules promulgated thereunder, as well as other applicable local, state, and federal requirements.

Effective Date of the Permit

- D.1.2 Pursuant to IC 13-15-5-3, this section of this permit becomes effective upon its issuance.
- D.1.3 All requirements of these construction conditions shall remain in effect unless modified in a manner consistent with procedures established for revisions pursuant to 326 IAC 2.

Operation Conditions

Emission Limitations and Standards [326 IAC 2-8-4(1)]

D.1.4 Volatile Organic Compounds [326 IAC 2-8] [326 IAC 8-6-1]

Pursuant to 326 IAC 2-8, the input to the production line shall be limited to less than 95 tons of VOCs per twelve consecutive month period adjusted by the amount of non-reacting VOC. The amount of non-reacting VOC shall be based on information contained in material safety data sheets (MSDS) or other written documentation provided by the manufacturers of the VOC-containing materials.

This input limit is required to limit the potential to emit VOC to less than 95 tons per twelve consecutive month period. Compliance with this limit makes 326 IAC 2-7, 326 IAC 2-2, and 326 IAC 8-6-1 not applicable.

D.1.5 Hazardous Air Pollutants [40 CFR 63 Subpart III] [326 IAC 20]

The source's potential to emit hazardous air pollutants shall comply with Condition C.1 of this permit. Condition C.1 makes 40 CFR 63, Subpart III, the standard for flexible polyurethane foam production, not applicable.

Any change or modification which increases the emissions of a single HAP to 10 tons per year or more from this facility, or a combination of HAPs to 25 tons per year from this facility, shall obtain prior approval by the Office of Air Quality (OAQ) before such change may occur. Such change may also be subject to the requirements of 326 IAC 2-4.1

Compliance Determination Requirements

D.1.6 VOC Emissions

Compliance with Condition D.1.4 shall be demonstrated within 30 days of the end of each month based on the total VOC usage adjusted by the amount of non-reacting VOC.

Record Keeping and Reporting Requirements [326 IAC 2-5.1-3(e)(2)] [326 IAC 2-6.1-5(a)(2)]

D.1.7 Record Keeping Requirements

- (a) To document compliance with Condition D.1.4 and D.1.5, the Permittee shall maintain records in accordance with (1) through (3) below. Records maintained for (1) and (3) shall be taken monthly and shall be complete and sufficient to establish compliance with the VOC usage and/or emission limits established in Condition D.1.4.
- (1) The amount of VOC and HAP content of all catalysts and raw materials input to the polyurethane process. Records shall include purchase orders, invoices, labels, and material safety data sheets (MSDS) necessary to verify the type and amount used, as well as identify the non-reactivity of each VOC in each component used in the polyurethane foam formation process;
- (2) The weight of VOCs emitted for each compliance period.
- (3) The weight of HAPs emitted per twelve-month period.
- (b) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

D.1.8 Reporting Requirements

A quarterly summary of the information to document compliance with Condition shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, using the reporting forms located at the end of this permit, or their equivalent, within thirty (30) days after the end of the quarter month period being reported. The report submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
Compliance Branch



JAN - MAR
APR. - JUN
JUL -

FESOP Quarterly Report

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
FESOP Permit No.: F 039-14582-00055
Parameter: VOC adjusted by the amount of non-reacting VOC
Limit: 95 tons of VOC usage adjusted by the amount of non-reacting VOC per twelve (12) consecutive month period.

YEAR: _____

Month	Column 1	Column 2	Column 1 + Column 2
	This Month	Previous 11 Months	12 Month Total
Month 1			
Month 2			
Month 3			

- No deviation occurred in this quarter.
- Deviation/s occurred in this quarter.
Deviation has been reported on: _____

Submitted by: _____
Title / Position: _____
Signature: _____
Date: _____
Phone: _____

Attach a signed certification to complete this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE BRANCH**

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT
CERTIFICATION**

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
FESOP Permit No.: F039-14582-00055

This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.

Please check what document is being certified:

- Annual Compliance Certification Letter
- Test Result (specify) _____
- Report (specify) _____
- Notification (specify) _____
- Affidavit (specify) _____
- Other (specify) _____

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Date:

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE BRANCH
P.O. Box 6015
100 North Senate Avenue
Indianapolis, Indiana 46206-6015
Phone: 317-233-5674
Fax: 317-233-5967**

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
EMERGENCY OCCURRENCE REPORT**

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
FESOP No.: F 039-14582-00055

This form consists of 2 pages

Page 1 of 2

- This is an emergency as defined in 326 IAC 2-7-1(12)
 - The Permittee must notify the Office of Air Quality (OAQ), within four (4) business hours (1-800-451-6027 or 317-233-5674, ask for Compliance Section); and
 - The Permittee must submit notice in writing or by facsimile within two (2) days (Facsimile Number: 317-233-5967), and follow the other requirements of 326 IAC 2-7-16

If any of the following are not applicable, mark N/A

Facility/Equipment/Operation:

Control Equipment:

Permit Condition or Operation Limitation in Permit:

Description of the Emergency:

Describe the cause of the Emergency:

If any of the following are not applicable, mark N/A

Page 2 of 2

Date/Time Emergency started:
Date/Time Emergency was corrected:
Was the facility being properly operated at the time of the emergency? Y N Describe:
Type of Pollutants Emitted: TSP, PM-10, SO ₂ , VOC, NO _x , CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by: _____
Title / Position: _____
Date: _____
Phone: _____

A certification is not required for this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE BRANCH**

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT**

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 W. Lusher Avenue, Elkhart, Indiana 46515
Mailing Address: 1900 W. Lusher Avenue, Elkhart, Indiana 46515
FESOP No.: F039-14582-00055

Months: _____ to _____ Year: _____

Page 1 of 2

<p>This report is an affirmation that the source has met all the requirements stated in this permit. This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. Deviations that are required to be reported by an applicable requirement shall be reported according to the schedule stated in the applicable requirement and do not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".</p>	
<p>• NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.</p>	
<p>• THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD</p>	
<p>Permit Requirement (specify permit condition #)</p>	
<p>Date of Deviation:</p>	<p>Duration of Deviation:</p>
<p>Number of Deviations:</p>	
<p>Probable Cause of Deviation:</p>	
<p>Response Steps Taken:</p>	
<p>Permit Requirement (specify permit condition #)</p>	
<p>Date of Deviation:</p>	<p>Duration of Deviation:</p>
<p>Number of Deviations:</p>	
<p>Probable Cause of Deviation:</p>	
<p>Response Steps Taken:</p>	

Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Form Completed By: _____

Title/Position: _____

Date: _____

Phone: _____

Attach a signed certification to complete this report.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

John M. Hamilton
Commissioner

SEP 23 1998

MEMORANDUM

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.idem.org

TO: Interested Parties / Applicant
FROM: Paul Dubenetzky
Chief, Permits Branch
Office of Air Management
SUBJECT: Notice of Decision - Approval

COPY: CURT BAKER

JEC

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3 and IC 13-15-6-1 require that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204, within fifteen (15) days from the date of receipt of this notice. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing: (1) The date the document is delivered to the Office of Environmental Adjudication (OEA). (2) The date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail. (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and the following: (1) the name and address of the person making the request; (2) the interest of the person making the request; (3) identification of any persons represented by the person making the request; (4) the reasons, with particularity, for the request; (5) the issues, with particularity, proposed for consideration at any hearing; (6) identification of the terms and conditions which, in the judgement of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

Pursuant to IC 4-21.5-3-5(d), the Office of Environmental Adjudication will provide you with notice of any prehearing conferences, preliminary hearing, hearings, stays, or orders disposing of the review of this decision if a written request is submitted to the Office of Environmental Adjudication at the above address. If you have procedural or scheduling questions regarding your petition, you may contact the Office of Environmental Adjudication at 317-232-8591. If you have any other questions regarding the enclosed document, please contact the Office of Air Management (OAM) at 317-233-0178.

Attachment

ENPER.WPD
12/12/96



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Frank O'Bannon
Governor

John M. Hamilton
Commissioner

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P.O. Box 6015
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(317) 232-8603
(800) 451-6027
www.idem.org

**PART 70 OPERATING PERMIT
OFFICE OF AIR MANAGEMENT**

**Flexible Foam Products, Inc.
1900 West Lusher Avenue
Elkhart, Indiana 46515**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-7 and 326 IAC 2-1-3.2 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.


Operation Permit No.: T039-6058-00055	
Issued by:  Felicia R. George, Assistant Commissioner Office of Air Management	Issuance Date: SEPTEMBER 23, 1998

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SECTION A

SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Management (OAM). The information describing the source contained in conditions A.1 through A.3 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

A.1 General Information [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

The Permittee owns and operates a stationary a soft foam polyurethane block manufacturing plant.

Responsible Official: Loren Dahlberg
Source Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
SIC Code: 3086
County Location: Elkhart
County Status: Attainment for all criteria pollutants
Source Status: Part 70 Permit Program
Minor Source, under PSD Rules;
Major Source, Section 112 of the Clean Air Act

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)] [326 IAC 2-7-5(15)]

This stationary source consists of the following emission units and pollution control devices:

- (1) One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks approximately three (3) feet thick and ten (10) feet wide, using methylene chloride as a blowing agent, with a maximum capacity of 0.37 tons per hour, and 2,4-toluene diisocyanate (TDI), with a maximum capacity of 4.5 tons per hour, exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S-6, respectively.

This continuous conveyor polyurethane foam line was constructed in May 1977.

A.3 Specifically Regulated Insignificant Activities [326 IAC 2-7-1(21)] [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

This stationary source does not currently have any insignificant activities, as defined in 326 IAC 2-7-1 (21) that have applicable requirements.

A.4 Part 70 Permit Applicability [326 IAC 2-7-2]

This stationary source is required to have a Part 70 permit by 326 IAC 2-7-2 (Applicability) because:

- (a) It is a major source, as defined in 326 IAC 2-7-1(22);
- (b) It is a source in a source category designated by the United States Environmental Protection Agency (U.S. EPA) under 40 CFR 70.3 (Part 70 - Applicability).

SECTION B GENERAL CONDITIONS

B.1 Permit No Defense [326 IAC 2-1-10] [IC 13]

- (a) Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Part 70 permit under 326 IAC 2-7.
- (b) This prohibition shall not apply to alleged violations of applicable requirements for which the Commissioner has granted a permit shield in accordance with 326 IAC 2-1-3.2 or 326 IAC 2-7-15, as set out in this permit in the Section B condition entitled "Permit Shield."

B.2 Definitions [326 IAC 2-7-1]

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, any applicable definitions found in IC 13-11, 326 IAC 1-2 and 326 IAC 2-7 shall prevail.

B.3 Permit Term [326 IAC 2-7-5(2)]

This permit is issued for a fixed term of five (5) years from the effective date, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3.

B.4 Enforceability [326 IAC 2-7-7(a)]

- (a) All terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM.
- (b) Unless otherwise stated, terms and conditions of this permit, including any provisions to limit the source's potential to emit, are enforceable by the United States Environmental Protection Agency (U.S. EPA) and citizens under the Clean Air Act.

B.5 Termination of Right to Operate [326 IAC 2-7-10] [326 IAC 2-7-4(a)]

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-7-3 and 326 IAC 2-7-4(a).

B.6 Severability [326 IAC 2-7-5(5)]

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

B.7 Property Rights or Exclusive Privilege [326 IAC 2-7-5(6)(D)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

B.8 Duty to Supplement and Provide Information [326 IAC 2-7-4(b)] [326 IAC 2-7-5(6)(E)]

- (a) The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

- (b) The Permittee shall furnish to IDEM, OAM, within a reasonable time, any information that IDEM, OAM, may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.
- (c) Upon request, the Permittee shall also furnish to IDEM, OAM, copies of records required to be kept by this permit. If the Permittee wishes to assert a claim of confidentiality over any of the furnished records, the Permittee must furnish such records to IDEM, OAM, along with a claim of confidentiality under 326 IAC 17. If requested by IDEM, OAM, or the U.S. EPA to furnish copies of requested records directly to U. S. EPA, and if the Permittee is making a claim of confidentiality regarding the furnished records, then the Permittee must furnish such confidential records directly to the U.S. EPA along with a claim of confidentiality under 40 CFR 2, Subpart B.

B.9 Compliance with Permit Conditions [326 IAC 2-7-5(6)(A)] [326 IAC 2-7-5(6)(B)]

- (a) The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit constitutes a violation of the Clean Air Act and is grounds for:
 - (1) Enforcement action;
 - (2) Permit termination, revocation and reissuance, or modification; or
 - (3) Denial of a permit renewal application.
- (b) It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

B.10 Certification [326 IAC 2-7-4(f)] [326 IAC 2-7-6(1)]

- (a) Any application form, report, or compliance certification submitted under this permit shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification required under this permit, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) One (1) certification shall be included, on the attached Certification Form, with each submittal.
- (c) A responsible official is defined at 326 IAC 2-7-1(34).

B.11 Annual Compliance Certification [326 IAC 2-7-6(5)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practice. The certification shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than April 15 of each year.

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAM, on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
 - (1) The identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was based on continuous or intermittent data;
 - (4) The methods used for determining compliance of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); and
 - (5) Any insignificant activity that has been added without a permit revision; and
 - (6) Such other facts, as specified in Sections D of this permit, as IDEM, OAM, may require to determine the compliance status of the source.

The submittal by the Permittee requires certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

B.12 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)] [326 IAC 2-7-6(1) and (6)]
[326 IAC 1-6-3]

-
- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMP) within ninety (90) days after issuance of this permit, including the following information on each facility:
 - (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions;
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If due to circumstances beyond its control, the PMP cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

- (b) The Permittee shall implement the Preventive Maintenance Plans as necessary to ensure that lack of proper maintenance does not cause or contribute to a violation of any limitation on emissions or potential to emit.
- (c) PMP's shall be submitted to IDEM, OAM, upon request and shall be subject to review and approval by IDEM, OAM.

B.13 Emergency Provisions [326 IAC 2-7-16]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as provided in 326 IAC 2-7-16.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:

- (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
- (2) The permitted facility was at the time being properly operated;
- (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAM, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone Number: 1-800-451-6027 (ask for Office of Air Management,
Compliance Section), or
Telephone Number: 317-233-5674 (ask for Compliance Section)
Facsimile Number: 317-233-5967

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted notice, either in writing or facsimile, of the emergency to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-7-5(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;

(B) Any steps taken to mitigate the emissions; and

(C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

(6) The Permittee immediately took all reasonable steps to correct the emergency

(c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.

(d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions) for sources subject to this rule after the effective date of this rule. This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.

(e) IDEM, OAM, may require that the Preventive Maintenance Plans required under 326 IAC 2-7-4-(c)(9) be revised in response to an emergency.

(f) Failure to notify IDEM, OAM, by telephone or facsimile of an emergency lasting more than one (1) hour in compliance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-7 and any other applicable rules.

(g) Operations may continue during an emergency only if the following conditions are met:

(1) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.

(2) If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:

(A) The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and

(B) Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value.

Any operation shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.

B.14 Permit Shield [326 IAC 2-7-15]

(a) This condition provides a permit shield as addressed in 326 IAC 2-7-15.

(b) This permit shall be used as the primary document for determining compliance with applicable requirements established by previously issued permits. Compliance with the conditions of this permit shall be deemed in compliance with any applicable requirements as of the date of permit issuance, provided that:

(1) The applicable requirements are included and specifically identified in this permit; or

- (2) The permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable.
- (c) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, including any term or condition from a previously issued construction or operation permit, IDEM, OAM, shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.
- (d) No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application.
- (e) Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:
 - (1) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;
 - (2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;
 - (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and
 - (4) The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.
- (f) This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).
- (g) This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAM, has issued the modifications. [326 IAC 2-7-12(c)(7)]
- (h) This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAM, has issued the modification. [326 IAC 2-7-12(b)(8)]

B.15 Multiple Exceedances [326 IAC 2-7-5(1)(E)]

Any exceedance of a permit limitation or condition contained in this permit, which occurs contemporaneously with an exceedance of an associated surrogate or operating parameter established to detect or assure compliance with that limit or condition, both arising out of the same act or occurrence, shall constitute a single potential violation of this permit.

B.16 Deviations from Permit Requirements and Conditions [326 IAC 2-7-5(3)(C)(ii)]

-
- (a) Deviations from any permit requirements (for emergencies see Section B - Emergency Provisions), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

within ten (10) calendar days from the date of the discovery of the deviation.

- (b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit or a rule. It does not include:
- (1) An excursion from compliance monitoring parameters as identified in Section D of this permit unless tied to an applicable rule or limit; or
 - (2) An emergency as defined in 326 IAC 2-7-1(12); or
 - (3) Failure to implement elements of the Preventive Maintenance Plan unless lack of maintenance has caused or contributed to a deviation.
 - (4) Failure to make or record information required by the compliance monitoring provisions of Section D unless such failure exceeds 5% of the required data in any calendar quarter.

A Permittee's failure to take the appropriate response step when an excursion of a compliance monitoring parameter has occurred is a deviation.

- (c) Written notification shall be submitted on the attached Emergency/Deviation Occurrence Reporting Form or its substantial equivalent. The notification does not need to be certified by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (d) Proper notice submittal under 326 IAC 2-7-16 satisfies the requirement of this subsection.

B.17 Permit Modification, Reopening, Revocation and Reissuance, or Termination
[326 IAC 2-7-5(6)(C)] [326 IAC 2-7-8(a)] [326 IAC 2-7-9]

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Part 70 permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-7-5(6)(C)]
- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAM, determines any of the following:
- (1) That this permit contains a material mistake.
 - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
 - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-7-9(a)(3)]
- (c) Proceedings by IDEM, OAM, to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-7-9(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-7-9(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAM, at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAM, may provide a shorter time period in the case of an emergency. [326 IAC 2-7-9(c)]

B.18 Permit Renewal [326 IAC 2-7-4]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAM, and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40)..

Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

- (b) Timely Submittal of Permit Renewal [326 IAC 2-7-4(a)(1)(D)]

- (1) A timely renewal application is one that is:

- (A) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
- (B) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAM, on or before the date it is due. [326 IAC 2-5-3]

- (2) If IDEM, OAM, upon receiving a timely and complete permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, including any permit shield provided in 326 IAC 2-7-15, until the renewal permit has been issued or denied.

- (c) Right to Operate After Application for Renewal [326 IAC 2-7-3]

If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-7 until IDEM, OAM, takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified in writing by IDEM, OAM, any additional information identified as being needed to process the application.

- (d) United States Environmental Protection Agency Authority [326 IAC 2-7-8(e)]

If IDEM, OAM, fails to act in a timely way on a Part 70 permit renewal, the U.S. EPA may invoke its authority under Section 505(e) of the Clean Air Act to terminate or revoke and reissue a Part 70 permit.

B.19 Permit Amendment or Modification [326 IAC 2-7-11] [326 IAC 2-7-12]

- (a) The Permittee must comply with the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.

- (b) - Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

Any such application should be certified by the "responsible official" as defined by 326 IAC 2-7-1(34) only if a certification is required by the terms of the applicable rule.

- (c) The Permittee may implement the administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request.
[326 IAC 2-7-11(c)(3)]

B.20 Permit Revision Under Economic Incentives and Other Programs [326 IAC 2-7-5(8)]
[326 IAC 2-7-12 (b)(2)]

- (a) No Part 70 permit revision shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.
- (b) Notwithstanding 326 IAC 2-7-12(b)(1)(D)(i) and 326 IAC 2-7-12(c)(1), minor Part 70 permit modification procedures may be used for Part 70 modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that such minor Part 70 permit modification procedures are explicitly provided for in the applicable State Implementation Plan (SIP) or in applicable requirements promulgated or approved by the U.S. EPA.

B.21 Changes Under Section 502(b)(10) of the Clean Air Act [326 IAC 2-7-20(b)]

The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(36)) without a permit revision, subject to the constraint of 326 IAC 2-7-20(a) and the following additional conditions:

- (a) For each such change, the required written notification shall include a brief description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
- (b) The permit shield, described in 326 IAC 2-7-15, shall not apply to any change made under 326 IAC 2-7-20(b).

B.22 Operational Flexibility [326 IAC 2-7-20]

- (a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-7-20(b), (c), or (e), without a prior permit revision, if each of the following conditions is met:
 - (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
 - (2) Any approval required by 326 IAC 2-1 has been obtained;
 - (3) The changes do not result in emissions which exceed the emissions allowable under this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
 - (4) The Permittee notifies the:

Indiana Department of Environmental Management
Permits Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

- (5) The Permittee maintains records on-site which document, on a rolling five (5) year basis, all such changes and emissions trading that are subject to 326 IAC 2-7-20(b), (c), or (e) and makes such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAM, in the notices specified in 326 IAC 2-7-20(b), (c)(1), and (e)(2)

- (b) For each such Section 502(b)(10) of the Clean Air Act change, the required written notification shall include the following:
 - (1) A brief description of the change within the source;
 - (2) The date on which the change will occur;
 - (3) Any change in emissions; and
 - (4) Any permit term or condition that is no longer applicable as a result of the change.

The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) Emission Trades [326 IAC 2-7-20(c)]
The Permittee may trade increases and decreases in emissions in the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-7-20(c).
- (d) Alternative Operating Scenarios [326 IAC 2-7-20(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-7-5(9). No prior notification of IDEM, OAM, or U.S. EPA is required.
- (e) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.

B.23 Construction Permit Requirement [326 IAC 2]

Except as allowed by Indiana P L. 130-1996 Section 12, as amended by P L. 244-1997, modification, construction, or reconstruction shall be approved as required by and in accordance with 326 IAC 2.

B.24 Inspection and Entry [326 IAC 2-7-6(2)]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, the Permittee shall allow IDEM, OAM, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a Part 70 source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) Utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.
[326 IAC 2-7-6(6)]

B.25 Transfer of Ownership or Operation [326 IAC 2-1-6] [326 IAC 2-7-11]

Pursuant to 326 IAC 2-1-6 and 326 IAC 2-7-11:

- (a) In the event that ownership of this source is changed, the Permittee shall notify IDEM, OAM, Permits Branch, within thirty (30) days of the change. Notification shall include a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the Permittee and the new owner.
- (b) The written notification shall be sufficient to transfer the permit to the new owner by an administrative amendment pursuant to 326 IAC 2-7-11. The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (c) IDEM, OAM, shall reserve the right to issue a new permit.

B.26 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)]

- (a) The Permittee shall pay annual fees to IDEM, OAM, within thirty (30) calendar days of receipt of a billing, or in a time period consistent with the fee schedule established in 326 IAC 2-7-19.
- (b) Failure to pay may result in administrative enforcement action, or revocation of this permit.

- (c) If the Permittee does not receive a bill from IDEM, OAM, thirty (30) calendar days before the due date, the Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-0425 (ask for OAM, Technical Support and Modeling Section), to determine the appropriate permit fee. The applicable fee is due April 1 of each year.

B 27 Credible Evidence [326 IAC 2-7-5(3)][62 Federal Register 8313][326 IAC 2-7-6]

Notwithstanding the conditions of this permit that state specific methods that may be used to assess compliance or noncompliance with applicable requirements, other credible evidence may be used to demonstrate compliance or noncompliance.

SECTION C

SOURCE OPERATION CONDITIONS

Entire Source

Emission Limitations and Standards [326 IAC 2-7-5(1)]

C.1 PSD Minor Source Status [326 IAC 2-2] [40 CFR 52.21]

- (a) The total source potential to emit of criteria pollutants are less than 250 tons per year. Therefore the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration) and 40 CFR 52.21 will not apply.
- (b) Any change or modification which may increase the potential to emit to 250 tons per year, from the equipment covered in this permit, shall require a PSD permit pursuant to 326 IAC 2-2, before such change may occur.

C.2 Particulate Matter Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) pounds per hour [326 IAC 6-3-2(c)]

Pursuant to 326 IAC 6-3-2(c), the allowable particulate matter emissions rate from any process not already regulated by 326 IAC 6-1 or any New Source Performance Standard, and which has a maximum process weight rate less than 100 pounds per hour shall not exceed 0.551 pounds per hour.

C.3 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Visible Emissions Limitations), except as provided in 326 IAC 5-1-3 (Temporary Exemptions); visible emissions shall meet the following, unless otherwise stated in this permit:

- (a) Visible emissions shall not exceed an average of forty percent (40%) opacity in twenty-four (24) consecutive readings, as determined in 326 IAC 5-1-4.
- (b) Visible emissions shall not exceed sixty percent (60%) opacity for more than a cumulative total of fifteen (15) minutes (sixty (60) readings) in a six (6) hour period.

C.4 Open Burning [326 IAC 4-1] [IC 13-17-9]

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1. 326 IAC 4-1-3 (a)(2)(A) and (B) are not federally enforceable.

C.5 Incineration [326 IAC 4-2][326 IAC 9-1-2]

The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and 326 IAC 9-1-2.

C.6 Fugitive Dust Emissions [326 IAC 6-4]

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions). 326 IAC 6-4-2(4) is not federally enforceable.

C.7 Operation of Equipment [326 IAC 2-7-6(6)]

All air pollution control equipment listed in this permit and used to comply with an applicable requirement shall be operated at all times that the emission unit vented to the control equipment is in operation.

C.8 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61.140]

- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.
- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:
 - (1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or
 - (2) If there is a change in the following:
 - (A) Asbestos removal or demolition start date;
 - (B) Removal or demolition contractor; or
 - (C) Waste disposal site.
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Asbestos Section, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

The notifications do not require a certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (e) **Procedures for Asbestos Emission Control**
The Permittee shall comply with the emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-4 emission control requirements are mandatory for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.
- (f) **Indiana Accredited Asbestos Inspector**
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement that the inspector be accredited is federally enforceable.

Testing Requirements [326 IAC 2-7-6(1)]

C.9 Performance Testing [326 IAC 3-6]

- (a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing methods approved by IDEM, OAM.

A test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

no later than thirty-five (35) days before the intended test date

at least sixty (60) days before the intended test date for all chromium electroplating facilities and no later than thirty-five (35) days prior to the intended test date for all other facilities. The Permittee shall submit a notice of the actual test date to the above address so that it is received at least two (2) weeks prior to the test date.

- (b) All test reports must be received by IDEM, OAM within forty-five (45) days after the completion of the testing. An extension may be granted by the Commissioner, if the source submits to IDEM, OAM, a reasonable written explanation within five (5) days prior to the end of the initial forty-five (45) day period.

The documentation submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Compliance Monitoring Requirements [326 IAC 2-7-5(1)] [326 IAC 2-7-6(1)]

C.10 Compliance Schedule [326 IAC 2-7-6(3)]

The Permittee:

- (a) Has certified that all facilities at this source are in compliance with all applicable requirements; and
- (b) Has submitted a statement that the Permittee will continue to comply with such requirements; and
- (c) Will continue to comply with such requirements that become effective during the term of this permit.

C.11 Compliance Monitoring [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]

Compliance with applicable requirements shall be documented as required by this permit. The Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment, no more than ninety (90) days after receipt of this permit. If due to circumstances beyond its control, this schedule cannot be met, the Permittee may extend compliance schedule an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee requires certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

C.12 Monitoring Methods [326 IAC 3]

Any monitoring or testing performed to meet the applicable requirements of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, or other approved methods as specified in this permit.

Corrective Actions and Response Steps [326 IAC 2-7-5] [326 IAC 2-7-6]

C.13 Risk Management Plan [326 IAC 2-7-5(12)] [40 CFR 68 215]

If a regulated substance, subject to 40 CFR 68, is present in a process in more than the threshold quantity, 40 CFR 68 is an applicable requirement and the Permittee shall.

- (a) Submit:
 - (1) A compliance schedule for meeting the requirements of 40 CFR 68 by the date provided in 40 CFR 68 10(a), or
 - (2) As a part of the compliance certification submitted under 326 IAC 2-7-6(5), a certification statement that the source is in compliance with all the requirements of 40 CFR 68, including the registration and submission of a Risk Management Plan (RMP); and
 - (3) A verification to IDEM, OAM, that a RMP or a revised plan was prepared and submitted as required by 40 CFR 68.
- (b) Provide annual certification to IDEM, OAM, that the Risk Management Plan is being properly implemented.

All documents submitted pursuant to this condition shall include the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

C.14 Actions Related to Noncompliance Demonstrated by a Stack Test

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate corrective actions. The Permittee shall submit a description of these corrective actions to IDEM, OAM, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize emissions from the affected facility while the corrective actions are being implemented. IDEM, OAM shall notify the Permittee within thirty (30) days, if the corrective actions taken are deficient. The Permittee shall submit a description of additional corrective actions taken to IDEM, OAM within thirty (30) days of receipt of the notice of deficiency. IDEM, OAM reserves the authority to use enforcement activities to resolve noncompliant stack tests.
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAM that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAM may extend the retesting deadline. Failure of the second test to demonstrate compliance with the appropriate permit conditions may be grounds for immediate revocation of the permit to operate the affected facility.

The documents submitted pursuant to this condition do not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

C.15 Emission Statement [326 IAC 2-7-5(3)(C)(iii)][326 IAC 2-7-5(7)][326 IAC 2-7-19(c)][326 IAC 2-6] [326 IAC 2-7-19 (e)]

- (a) The Permittee shall submit an annual emission statement certified pursuant to the requirements of 326 IAC 2-6, that must be received by April 15 of each year and must comply with the minimum requirements specified in 326 IAC 2-6-4. The annual emission statement shall meet the following requirements and be used for the purpose of a Part 70 fee assessment:
- (1) Indicate actual emissions of criteria pollutants from the source,
 - (2) Indicate actual emissions of other regulated pollutants from the source.
- (b) The annual emission statement covers the twelve (12) consecutive month time period starting December 1 and ending November 30. The annual emission statement must be submitted to:
- Indiana Department of Environmental Management
Technical Support and Modeling Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015
- (c) The annual emission statement required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAM, on or before the date it is due.

C.16 Monitoring Data Availability [326 IAC 2-7-6(1)] [326 IAC 2-7-5(3)]

- (a) With the exception of performance tests conducted in accordance with Section C-Performance Testing, all observations, sampling, maintenance procedures, and record keeping, required as a condition of this permit shall be performed at all times the equipment is operating at normal representative conditions.
- (b) As an alternative to the observations, sampling, maintenance procedures, and record keeping of subsection (a) above, when the equipment listed in Section D of this permit is not operating, the Permittee shall either record the fact that the equipment is shut down or perform the observations, sampling, maintenance procedures, and record keeping that would otherwise be required by this permit.
- (c) If the equipment is operating but abnormal conditions prevail, additional observations and sampling should be taken with a record made of the nature of the abnormality.
- (d) If for reasons beyond its control, the operator fails to make required observations, sampling, maintenance procedures, or record keeping, reasons for this must be recorded.
- (e) At its discretion, IDEM may excuse such failure providing adequate justification is documented and such failures do not exceed five percent (5%) of the operating time in any quarter.

- (f) Temporary, unscheduled unavailability of staff qualified to perform the required observations, sampling, maintenance procedures, or record keeping shall be considered a valid reason for failure to perform the requirements stated in (a) above.

C 17 General Record Keeping Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-6]

- (a) Records of all required monitoring data and support information shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be kept at the source location for a minimum of three (3) years and available upon the request of an IDEM, OAM, representative. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a written request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Records of required monitoring information shall include, where applicable:
- (1) The date, place, and time of sampling or measurements;
 - (2) The dates analyses were performed;
 - (3) The company or entity performing the analyses;
 - (4) The analytic techniques or methods used;
 - (5) The results of such analyses; and
 - (6) The operating conditions existing at the time of sampling or measurement.
- (c) Support information shall include, where applicable:
- (1) Copies of all reports required by this permit;
 - (2) All original strip chart recordings for continuous monitoring instrumentation;
 - (3) All calibration and maintenance records;
 - (4) Records of preventive maintenance shall be sufficient to demonstrate that improper maintenance did not cause or contribute to a violation of any limitation on emissions or potential to emit. To be relied upon subsequent to any such violation, these records may include, but are not limited to: work orders, parts inventories, and operator's standard operating procedures. Records of response steps taken shall indicate whether the response steps were performed in accordance with the Compliance Response Plan required by Section C - Compliance Monitoring Plan - Failure to take Response Steps, of this permit, and whether a deviation from a permit condition was reported. All records shall briefly describe what maintenance and response steps were taken and indicate who performed the tasks.
- (d) All record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.

C.18 General Reporting Requirements [326 IAC 2-7-5(3)(C)]

- (a) To affirm that the source has met all the requirements stated in this permit the source shall submit a Quarterly Compliance Report. Any deviation from the requirements and the date(s) of each deviation must be reported.
- (b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P O. Box 6015
Indianapolis, Indiana 46206-6015
- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAM, on or before the date it is due.
- (d) Unless otherwise specified in this permit, any quarterly report shall be submitted within thirty (30) days of the end of the reporting period.
- (e) All instances of deviations as described in Section B- Deviations from Permit Requirements Conditions must be clearly identified in such reports.
- (f) Any corrective actions or response steps taken as a result of each deviation must be clearly identified in such reports.
- (g) The first report shall cover the period commencing on the date of issuance of this permit and ending on the last day of the reporting period.

The documents submitted pursuant to this condition do not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Stratospheric Ozone Protection

C.19 Compliance with 40 CFR 82 and 326 IAC 22-1

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with the standards for recycling and emissions reduction:

- (a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.
- (b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- (c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

0.37 tons/hr = 740 lbs/hr

SECTION D.1

FACILITY OPERATION CONDITIONS

One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks approximately three (3) feet thick and ten (10) feet wide, using methylene chloride as a blowing agent, with a maximum capacity of 0.37 tons per hour, and 2,4-toluene diisocyanate (TDI), with a maximum capacity of 4.5 tons per hour, exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S-6, respectively. This continuous conveyor polyurethane foam line was constructed in May 1977.

Emission Limitations and Standards [326 IAC 2-7-5(1)]

D.1.1 General Reduction Requirements for New Facilities [326 IAC 8-1-6]

Any change or modification which may increase the potential emissions to twenty-five (25) tons per year or more of VOC's must be approved by the Office of Air Management before such change may occur.

Compliance Determination Requirements

D.1.2 Testing Requirements [326 IAC 2-7-6(1)]

Testing of this facility is not specifically required by this permit. This does not preclude testing requirements on this facility under 326 IAC 2-7-5 and 326 IAC 2-7-6.

Record Keeping Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

D.1.3 Record Keeping Requirements

- (a) The Permittee shall maintain monthly records in accordance with (1) through (6) below and by using the following equation:

HAPS emission rate (tons/yr) = Density (lb/gal) * Gal of Material (gal/unit) * Maximum (unit/hr) * Weight % HAP * 8760 hrs/yr * 1 ton/2000 lbs

- (1) The HAP's (Methylene Chloride) amount and content of each coating material and solvent used. Records shall include purchase orders, invoices, and material safety data sheets (MSDS) necessary to verify the type and amount used. Solvent usage records shall differentiate between those added to coatings and those used as cleanup solvents;
 - (2) A log of the dates of use;
 - (3) The volume weighted HAP's (Methylene Chloride) content of the coatings used for each month;
 - (4) The cleanup solvent usage for each month;
 - (5) The total HAP's (Methylene Chloride) usage for each month; and
 - (6) The weight of HAP's (Methylene Chloride) emitted for each compliance period.
- (b) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR MANAGEMENT
COMPLIANCE DATA SECTION**

**PART 70 OPERATING PERMIT
CERTIFICATION**

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Part 70 Permit No.: T039-6058-00055

This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.

Please check what document is being certified:

- ☐ Annual Compliance Certification Letter
- ☐ Test Result (specify) _____
- ☐ Report (specify) _____
- ☐ Notification (specify) _____
- ☐ Other (specify) _____

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature: _____

Printed Name: _____

Title/Position: _____

Date: _____

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR MANAGEMENT
COMPLIANCE DATA SECTION
P.O. Box 6015
100 North Senate Avenue
Indianapolis, Indiana 46206-6015
Phone: 317-233-5674
Fax: 317-233-5967**

**PART 70 OPERATING PERMIT
EMERGENCY/DEVIATION OCCURRENCE REPORT**

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Part 70 Permit No.: T039-6058-00055

This form consists of 2 pages

Page 1 of 2

Check either No. 1 or No 2	
<input type="checkbox"/> 1.	This is an emergency as defined in 326 IAC 2-7-1(12) <ul style="list-style-type: none">• The Permittee must notify the Office of Air Management (OAM), within four (4) business hours (1-800-451-6027 or 317-233-5674, ask for Compliance Section); and• The Permittee must submit notice in writing or by facsimile within two (2) days (Facsimile Number: 317-233-5967), and follow the other requirements of 326 IAC 2-7-16
<input type="checkbox"/> 2.	This is a deviation, reportable per 326 IAC 2-7-5(3)(c) <ul style="list-style-type: none">• The Permittee must submit notice in writing within ten (10) calendar days

If any of the following are not applicable, mark N/A

Facility/Equipment/Operation:
Control Equipment:
Permit Condition or Operation Limitation in Permit:
Description of the Emergency/Deviation:
Describe the cause of the Emergency/Deviation:

If any of the following are not applicable, mark N/A

Page 2 of 2

Date/Time Emergency/Deviation started:
Date/Time Emergency/Deviation was corrected:
Was the facility being properly operated at the time of the emergency/deviation? Y N Describe:
Type of Pollutants Emitted: TSP, PM-10, SO ₂ , VOC, NO _x , CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency/deviation.
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by: _____
Title / Position: _____
Date: _____
Phone: _____

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR MANAGEMENT
COMPLIANCE DATA SECTION**

**PART 70 OPERATING PERMIT
SEMIANNUAL COMPLIANCE REPORT**

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Part 70 Permit No.: T039-6058-00055

Months: _____ to _____ Year: _____

This report is an affirmation that the source has met all the compliance monitoring requirements stated in this permit. This report shall be submitted semiannually. Any deviation from the compliance monitoring requirements and the date(s) of each deviation must be reported. Additional pages may be attached if necessary. This form can be supplemented by attaching the Emergency/Deviation Occurrence Report. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".

☐ NO DEVIATIONS OCCURRED THIS REPORTING PERIOD

☐ THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD.

Compliance Monitoring Requirement (e.g. Permit Condition D.1.3)	Number of Deviations	Date of each Deviation

Form Completed By: _____
Title/Position: _____
Date: _____
Phone: _____

Attach a signed certification to complete this report.

Indiana Department of Environmental Management Office of Air Management

Technical Support Document (TSD) for a Part 70 Operating Permit

Source Background and Description

Source Name: Flexible Foam Products, Inc.
Source Location: 1900 West Lusher Avenue, Elkhart, Indiana 46515
County: Elkhart
SIC Code: 3086
Operation Permit No.: T039-6058-00055
Permit Reviewer: Felicity L. Lao

The Office of Air Management (OAM) has reviewed a Part 70 permit application from Flexible Foam Products, Inc. relating to the operation of a soft foam polyurethane block manufacturing plant.

Permitted Emission Units and Pollution Control Equipment

The source consists of the following permitted emission units and pollution control devices:

- (1) One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks approximately three (3) feet thick and ten (10) feet wide, using methylene chloride as a blowing agent, with a maximum capacity of 0.37 tons per hour, and 2,4-toluene diisocyanate (TDI), with a maximum capacity of 4.5 tons per hour, exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S-6, respectively.

This continuous conveyor polyurethane foam line was constructed in May 1977.

Unpermitted Emission Units and Pollution Control Equipment Requiring ENSR

There are no unpermitted facilities operating at this source during this review process.

New Emission Units and Pollution Control Equipment Requiring ENSR

There are no new facilities to be reviewed under the ENSR process.

Insignificant Activities

The source also consists of the following insignificant activities, as defined in 326 IAC 2-7-1(21):

- (1) Natural gas-fired combustion sources with heat input equal to or less than ten (10) million Btu per hour.
- (2) A petroleum fuel, other than gasoline, dispensing facility, having a storage capacity of less than or equal to 10,500 gallons, and dispensing less than or equal to 230,000 gallons per month.
- (3) The following VOC and HAP storage containers:

- (A) Storage tanks with a capacity less than or equal to 1,000 gallons and annual throughputs less than 12,000 gallons.
- (4) Paved and unpaved roads and parking lots with public access.

Existing Approvals

The source has been operating under previous approvals including, but not limited to, the following:

- (1) Registration Permit, issued on May 6, 1985
- (2) OP No. 20-03-85-0593, issued on May 26, 1981.

All conditions from previous approvals were incorporated into this Part 70 permit except the following:

- (1) OP No. 20-03-85-0593, issued on May 26, 1981.

Condition 5 which states that the VOC emissions shall be limited to 450 pounds per hour and 225 tons per year.

The reason this condition is not in this Title V permit is because the limit was based on using Freon 11 as a blowing agent. Flexible Foam Products, Inc. is now using methylene chloride as a blowing agent which is a non-photochemically reactive hydrocarbon as per 326 IAC 1-2-48, and is not considered a VOC, unlike Freon 11.

Enforcement Issue

There are no enforcement actions pending.

Recommendation

The staff recommends to the Commissioner that the Part 70 permit be approved. This recommendation is based on the following facts and conditions:

Unless otherwise stated, information used in this review was derived from the application and additional information submitted by the applicant.

An administratively complete Part 70 permit application for the purposes of this review was received on June 4, 1996. Additional information was received on September 3, 1996 and May 28, 1997.

A notice of completeness letter was mailed to the source on May 30, 1997.

Potential Emissions

Pursuant to 326 IAC 1-2-55, Potential Emissions are defined as "emissions of any one (1) pollutant which would be emitted from a facility, if that facility were operated without the use of pollution control equipment unless such control equipment is necessary for the facility to produce its normal product or is integral to the normal operation of the facility."

Pollutant	Potential Emissions (tons/year)
PM	N/A
PM-10	N/A
SO ₂	N/A
VOC	less than 10*
CO	N/A
NO _x	N/A

Note For the purpose of determining Title V applicability for particulates, PM-10, not PM, is the regulated pollutant in consideration.

HAP's	Potential Emissions (tons/year)
Methylene Chloride*	greater than 10
2,4-Toluene Diisocyanate	less than 10
TOTAL	15,764.60

*Methylene Chloride is considered a non-photochemically reactive hydrocarbon and is not considered a VOC (326 IAC 1-2-48). Based on calculations made, VOC's are less than 10 tons per year.

The potential emissions (as defined in 326 IAC 1-2-55) of any single HAP is equal to or greater than ten (10) tons per year the potential emissions (as defined in 326 IAC 1-2-55) of a combination HAPs is greater than or equal to twenty-five (25) tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-7.

Actual Emissions

The following table shows the actual emissions from the source. This information reflects Flexible Foam Products, Inc's 1996 emission data.

Pollutant	Actual Emissions (tons/year)
PM	N/A
PM-10	N/A
SO ₂	N/A
VOC	0.27
CO	N/A
NO _x	N/A
Methylene Chloride	361.00
2,4-Toluene Diisocyanate	0.27

County Attainment Status

The source is located in Elkhart County.

Pollutant	Status
TSP	attainment
PM-10	attainment
SO ₂	attainment
NO ₂	attainment
Ozone	attainment
CO	attainment
Lead	attainment

Volatile organic compounds (VOC) and oxides of nitrogen (NO_x) are precursors for the formation of ozone. Therefore, VOC and NO_x emissions are considered when evaluating the rule applicability relating to the ozone standards. Elkhart County has been designated as attainment or unclassifiable for ozone.

Federal Rule Applicability

- (a) There are no New Source Performance Standards (326 IAC 12)(40 CFR Part 60) applicable to this source.
- (b) There are no National Emission Standards for Hazardous Air Pollutants (NESHAPs)(40 CFR Part 63) applicable to this source.

State Rule Applicability - Entire Source

326 IAC 2-2 (PSD Rules)

This soft foam polyurethane block manufacturing plant was constructed in May 1977 and does not emit more than 250 tons per year of any criteria pollutant, therefore, 326 IAC 2-2 is not applicable.

326 IAC 2-6 (Emission Reporting)

This soft foam polyurethane block manufacturing plant is located in Elkhart County and the potential to emit VOC is less than ten (10) tons per year. The source potential to emit PM₁₀ is less than one-hundred (100) tons per year including fugitive emissions, therefore, 326 IAC 2-6 does not apply.

However, the source will be required to annually submit a statement of the actual emissions of all federally regulated pollutants from the source, for the purpose of fee assessment.

326 IAC 2-7-19 (Part 70 Fee Assessment)

Even though this soft foam polyurethane block manufacturing plant has potential emissions less than ten (10) tons per year for VOC's, the source still has HAP's emissions in excess of ten (10) tons per year for Methylene Chloride and in excess of twenty-five (25) tons per year for a combination of Methylene Chloride and TDI, therefore, the source will be required to annually submit a statement of the actual emissions of all federally regulated pollutants from the source, for the purpose of fee assessment.

326 IAC 5-1 (Visible Emissions Limitations)

Pursuant to 326 IAC 5-1-2 (Visible Emissions Limitations), except as provided in 326 IAC 5-1-3 (Temporary Exemptions), visible emissions shall meet the following, unless otherwise stated in this permit:

- (a) Visible emissions shall not exceed an average of forty percent (40%) opacity in twenty-four (24) consecutive readings as determined by 326 IAC 5-1-4,
- (b) Visible emissions shall not exceed sixty percent (60%) opacity for more than a cumulative total of fifteen (15) minutes (sixty (60) readings) in a six (6) hour period.

326 IAC 8-1-6 (General Reduction Requirements for New Facilities)

This soft foam polyurethane block manufacturing plant was constructed in May 1977, which is before the applicability date of the rule, and at the same time does not emit twenty-five (25) tons per year or more of VOC's, therefore, 326 IAC 8-1-6, is not applicable.

Any change or modification which may increase the potential emissions to twenty-five (25) tons per year or more of VOC's must be approved by the Office of Air Management before such change may occur.

326 IAC 8-6 (Organic Solvent Emission Limitations)

This soft foam polyurethane block manufacturing plant does not emit one hundred (100) tons per year or more of VOC's, therefore, 326 IAC 8-6, is not applicable.

No other 326 IAC 8 Rules apply to this source

Compliance Requirements

Permits issued under 326 IAC 2-7 are required to ensure that sources can demonstrate compliance with applicable state and federal rules on a more or less continuous basis. All state and federal rules contain compliance provisions, however, these provisions do not always fulfill the requirement for a more or less continuous demonstration. When this occurs IDEM, OAM, in conjunction with the source, must develop specific conditions to satisfy 326 IAC 2-7-5. As a result, compliance requirements are divided into two sections: Compliance Determination Requirements and Compliance Monitoring Requirements.

Compliance Determination Requirements in Section D of the permit are those conditions that are found more or less directly within state and federal rules and the violation of which serves as grounds for enforcement action. If these conditions are not sufficient to demonstrate continuous compliance, they will be supplemented with Compliance Monitoring Requirements, also Section D of the permit. Unlike Compliance Determination Requirements, failure to meet Compliance Monitoring conditions would serve as a trigger for corrective actions and not grounds for enforcement action. However, a violation in relation to a compliance monitoring condition will arise through a source's failure to take the appropriate corrective actions within a specific time period.

This soft foam polyurethane block manufacturing plant has applicable compliance monitoring conditions as specified below:

The Permittee shall maintain monthly records in accordance with (1) through (6) below.

- (1) The HAP's (Methylene Chloride) amount and content of each coating material and solvent used. Records shall include purchase orders, invoices, and material safety data sheets (MSDS) necessary to verify the type and amount used. Solvent usage records shall differentiate between those added to coatings and those used as cleanup solvents;
- (2) A log of the dates of use;
- (3) The volume weighted HAP's (Methylene Chloride) content of the coatings used for each month;
- (4) The cleanup solvent usage for each month;
- (5) The total HAP's (Methylene Chloride) usage for each month; and
- (6) The weight of HAP's (Methylene Chloride) emitted for each compliance period.

Air Toxic Emissions

Indiana presently requests applicants to provide information on emissions of the 187 hazardous air pollutants (HAPs) set out in the Clean Air Act Amendments of 1990. These pollutants are either carcinogenic or otherwise considered toxic and are commonly used by industries. They are listed as air toxics on the Office of Air Management (OAM) Part 70 Application Form GSD-08.

- (a) This source will emit levels of air toxics greater than those that constitute major source applicability according to Section 112 of the 1990 Clean Air Act Amendments.
- (b) Even though this source is a major source of HAP's, the emitting units were constructed prior to July 27, 1997, therefore, 326 IAC 2-1-3.4 is not applicable.

Conclusion

The operation of this soft foam polyurethane block manufacturing plant shall be subject to the conditions of the attached proposed **Part 70 Permit No. T039-6058-00055**.

Indiana Department of Environmental Management Office of Air Management

Addendum to the Technical Support Document for Part 70 Operating Permit

Source Name:	Flexible Foam Products, Inc.
Source Location:	1900 West Lusher Avenue, Elkhart, Indiana 46515
County:	Elkhart
SIC Code:	3086
Operation Permit No.:	T039-6058-00055
Permit Reviewer:	Felicity L. Lao

On June 1, 1998, the Office of Air Management (OAM) had a notice published in the Elkhart Truth Newspaper, Elkhart, Indiana, stating that Flexible Foam Products, Inc. had applied for a Part 70 Operating Permit to operate a stationary a soft foam polyurethane block manufacturing plant. The notice also stated that OAM proposed to issue a permit for this operation and provided information on how the public could review the proposed permit and other documentation. Finally, the notice informed interested parties that there was a period of thirty (30) days to provide comments on whether or not this permit should be issued as proposed.

Upon further review, OAM has made the following changes to the final Part 70 permit (changes are bolded or have strikeouts for emphasis):

- 1 A (Source Summary) has changed to be as follows on page 4 of the final permit

SECTION A

SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Management (OAM), and presented in the permit application. **The information describing the source contained in conditions A.1 through A.3 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.**

- 2 A.5 (Prior Permit Conditions Superseded), from page 4 of the proposed permit has been deleted. Language has been added to B.14 (Permit Shield) to address the effect of prior permit conditions.

~~A.5 Prior Permit Conditions Superseded [326 IAC 2]~~

~~The terms and conditions of this permit incorporate all the current applicable requirements for all emission units located at this source, and supersede all terms and conditions in all registrations and permits, including construction permits, issued prior to the date of issuance of this permit. All terms and conditions in such registrations and permits are no longer in effect.~~

- 3 B 1 (Permit No Defense) part (b) of the condition has changed to be as follows on page 5 of the final permit:

B 1 Permit No Defense [326 IAC 2-1-10] [IC 13]

- (b) This prohibition shall not apply to alleged violations of applicable requirements for which the Commissioner has granted a permit shield in accordance with 326 IAC 2-1-3.2 or 326 IAC 2-7-15, **as set out in this permit in the Section B condition entitled "Permit Shield."**

- 4 B 8 (Duty to Supplement and Provide Information) part (c) of the condition has changed to be as follows on page 6 of the final permit

B 8 Duty to Supplement and Provide Information [326 IAC 2-7-4(b)] [326 IAC 2-7-5(6)(E)]

- (c) Upon request, the Permittee shall also furnish to IDEM, OAM, copies of records required to be kept by this permit. **If the Permittee wishes to assert a claim of confidentiality over any of the furnished records, For information claimed to be confidential, the Permittee must shall furnish such records to IDEM, OAM, along with a claim of confidentiality under 326 IAC 17. If requested by IDEM, OAM, or the U.S. EPA, to furnish copies of requested records directly to U. S. EPA, and if the Permittee is making a claim of confidentiality regarding the furnished records, then the Permittee must shall furnish such confidential records directly to the U.S. EPA along with a claim of confidentiality under 40 CFR 2, Subpart B.**

- 5 B 11 (Annual Compliance Certification) part (c) of the condition has changed to be as follows on page 7 of the final permit:

B 11 Annual Compliance Certification [326 IAC 2-7-6(5)]

- (c) The annual compliance certification report shall include the following:
- (1) The identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was **based on** continuous or intermittent data;
 - (4) The methods used for determining compliance of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); ~~and~~
 - (5) **Any insignificant activity that has been added without a permit revision; and**
 - (5) (6) Such other facts, as specified in Sections D of this permit, as IDEM, OAM, may require to determine the compliance status of the source.

~~The notification which shall be submitted~~ **submittal** by the Permittee ~~does~~ requires the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

6 B 12 (Preventive Maintenance Plan) part (a) has changed as follows on page 7 of the final permit:

B 12 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)] [326 IAC 2-7-6(1) and (6)]
[326 IAC 1-6-3]

(a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMP) within ninety (90) days after issuance of this permit, including the following information on each **facility**:

- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing ~~emission units and associated emission control devices~~;
- (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions;
- (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If due to circumstances beyond its control, the PMP cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

**Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015**

7 B.14 (Permit Shield) has changed to be as follows on page 9 of the final permit:

B.14 Permit Shield [326 IAC 2-7-15]

(a) **This condition provides a permit shield as addressed in 326 IAC 2-7-15.**

(a) (b) **This permit shall be used as the primary document for determining compliance with applicable requirements established by previously issued permits.** Compliance with the conditions of this permit shall be deemed in compliance with any applicable requirements as of the date of permit issuance, provided ~~that either of the following:~~

- (1) The applicable requirements are included and specifically identified in this permit; **or**
- (2) ~~IDEM, OAM, in acting on the Part 70 permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the Part 70 permit includes the determination or a concise summary thereof.~~ **The permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable.**

- (b) (c) ~~No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application.~~ **If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, including any term or condition from a previously issued construction or operation permit, IDEM, OAM, shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.**
- (c) (d) ~~If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement, IDEM, OAM, shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.~~ **No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application.**
- (d) (e) Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:
- (1) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;
 - (2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;
 - (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and
 - (4) The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.
- (e) (f) This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).
- (f) (g) This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAM, has issued the modifications. [326 IAC 2-7-12(c)(7)]
- (g) (h) This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAM, has issued the modification. [326 IAC 2-7-12(b)(8)]
8. B 16 (Deviations from Permit Requirements and Conditions) has changed to be as follows on page 10 of the final permit:
- B 16 Deviations from Permit Requirements and Conditions [326 IAC 2-7-5(3)(C)(ii)]
- (a) Deviations from any permit requirements (for emergencies see Section B - Emergency Provisions), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:
- Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

within ten (10) calendar days from the date of the discovery of the deviation.

(b) **A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit or a rule. It does not include:**

- (1) **An excursion from compliance monitoring parameters as identified in Section D of this permit unless tied to an applicable rule or limit; or**
- (2) **An emergency as defined in 326 IAC 2-7-1(12); or**
- (3) **Failure to implement elements of the Preventive Maintenance Plan unless lack of maintenance has caused or contributed to a deviation.**
- (4) **Failure to make or record information required by the compliance monitoring provisions of Section D unless such failure exceeds 5% of the required data in any calendar quarter.**

A Permittee's failure to take the appropriate response step when an excursion of a compliance monitoring parameter has occurred is a deviation.

~~(b)~~ (c) **Written notification shall be submitted on the attached Emergency/Deviation Occurrence Reporting Form or its substantial equivalent. The notification does not need to be certified by the "responsible official" as defined by 326 IAC 2-7-1(34).**

~~(e)~~ (d) **Proper notice submittal under 326 IAC 2-7-16 satisfies the requirement of this subsection.**

9. B.18 (Permit Renewal) part (a) of the condition has changed to be as follows on page 12 of the final permit:

B.18 Permit Renewal [326 IAC 2-7-4]

- (a) **The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAM, and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40).**

10. B.19 (Administrative Permit Amendment), B.20 (Minor Permit Modification), and B.21 (Significant Permit Modification) have all been combined into one condition numbered B.19 (Permit Amendment or Modification) shown below. B.20 and B.21 have been deleted and the remainder of Section B has been renumbered. The new B.19 condition will read as follows on page 12 of the final permit:

B.19 Permit Amendment or Modification [326 IAC 2-7-11] [326 IAC 2-7-12]

- (a) **The Permittee must comply with the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.**
- (b) **Any application requesting an amendment or modification of this permit shall be submitted to:**

**Indiana Department of Environmental Management
Permits Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015**

Any such application should be certified by the "responsible official" as defined by 326 IAC 2-7-1(34) only if a certification is required by the terms of the applicable rule.

- (c) **The Permittee may implement the administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]**

11. B 26 (now B.24) (Inspection and Entry) has removed "IDEM", to be as follows on page 15 of the final permit, since Local Agencies do not have IDEM identification cards.

B 24 Inspection and Entry [326 IAC 2-7-6(2)]

Upon presentation of IDEM proper identification cards, credentials, and other documents as may be required by law, the Permittee shall allow IDEM, OAM, U.S. EPA, or an authorized representative to perform the following:

12. B 27 (now B.25) (Transfer of Ownership or Operation) part (b) of the condition has changed to be as follows on page 15 of the final permit:

B 25 Transfer of Ownership or Operation [326 IAC 2-1-6] [326 IAC 2-7-11]

- (b) The written notification shall be sufficient to transfer the permit to the new owner by an administrative amendment pursuant to 326 IAC 2-7-11. **The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).**

13. B 28 (now B 26) (Annual Fee Payment) has changed to be as follows on page 15 of the final permit:

B 26 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)]

- (a) The Permittee shall pay annual fees to IDEM, OAM, within thirty (30) calendar days of receipt of a billing. ~~or in a time period consistent with the fee schedule established in 326 IAC 2-7-19. If the Permittee does not receive a bill from IDEM, OAM the applicable fee is due April 1 of each year.~~
- (b) Failure to pay may result in administrative enforcement action, or revocation of this permit.
- (c) ~~If the Permittee does not receive a bill from IDEM, OAM, thirty (30) calendar days before the due date, The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-0425 (ask for OAM, Technical Support and Modeling Section), to determine the appropriate permit fee. The applicable fee is due April 1 of each year.~~

14. B.27 (Credible Evidence) is a new condition that has been added to the end of section B as follows on page 16 of the final permit:

B.27 Credible Evidence [326 IAC 2-7-5(3)][62 Federal Register 8313][326 IAC 2-7-6]

Notwithstanding the conditions of this permit that state specific methods that may be used to assess compliance or noncompliance with applicable requirements, other credible evidence may be used to demonstrate compliance or noncompliance.

15. C 1 (PSD Minor Source Status) has changed from page 16 of the proposed permit to be as follows on page 17 of the final permit:

C.1 PSD Minor Source Status [326 IAC 2-2] [40 CFR 52.21]

- (a) The total source potential emissions to emit of VOC's are less than 250 tons per 365-

~~consecutive day period~~ year. Therefore the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration) and 40 CFR 52.21 will not apply

- (b) Any change or modification which may increase ~~the potential emissions~~ **to emit** to 250 tons per ~~twelve (12) consecutive month period~~ year, from the equipment covered in this permit, shall require a PSD permit pursuant to 326 IAC 2-2, before such change may occur.

- 16 C 2 (Particulate Matter Emission Limitations for Processes with Process Weight Rates Less Than One Hundred pounds per hour) is a new condition that has been added on page 17 of the final permit as follows. The remainder of Section C has been renumbered accordingly.

C.2 Particulate Matter Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) pounds per hour [326 IAC 6-3-2(c)]

Pursuant to 326 IAC 6-3-2(c), the allowable particulate matter emissions rate from any process not already regulated by 326 IAC 6-1 or any New Source Performance Standard, and which has a maximum process weight rate less than 100 pounds per hour shall not exceed 0.551 pounds per hour.

- 17 C 6 (now C 7) (Operation of Equipment) has changed from page 16 of the proposed permit to be as follows on page 17 of the final permit:

C 7 Operation of Equipment [326 IAC 2-7-6(6)]

All air pollution control equipment listed in this permit and used to comply with an applicable requirement shall be operated at all times that the emission units vented to the control equipment are in operation. ~~as described in Section D of this permit.~~

- 18 C 7 (now C 8) (Asbestos Abatement Projects- Accreditation) and C 12 (Asbestos Abatement Projects) have been combined into one condition which will read as follows on page 18 of the final permit.

C.8 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61.140]

- (a) **Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.**

- (b) **The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:**

- (1) **When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or**

- (2) **If there is a change in the following:**

(A) **Asbestos removal or demolition start date;**

(B) **Removal or demolition contractor; or**

(C) **Waste disposal site.**

- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Asbestos Section, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

The notifications do not require a certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (e) **Procedures for Asbestos Emission Control**
The Permittee shall comply with the emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-4 emission control requirements are mandatory for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.
- (f) **Indiana Accredited Asbestos Inspector**
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement that the inspector be accredited is federally enforceable.

19. C.8 (now C.9) (Performance Testing) from page 17 of the proposed permit has changed the rule cite to 326 IAC 3-6, corrected the notification time to at least sixty (60) days before the stack test for the chromium operations, as required by the NESHAP and added the following language to be as follows on page 19 of the final permit:

C.9 Performance Testing ~~[326 IAC 3-2-1]~~ [326 IAC 3-6]

- (a) All testing shall be performed according to the provisions of 326 IAC ~~3-2-1~~ 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing methods approved by IDEM, OAM.

A test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

at least sixty (60) days before the intended test date for all chromium electroplating facilities and no later than thirty-five (35) days before prior to the intended test date for all other facilities. The Permittee shall submit a notice of the actual test date to the above address so that it is received at least two (2) weeks prior to the test date.

- (b) All test reports must be received by IDEM, OAM within forty-five (45) days after the completion of the testing. An extension may be granted by the Commissioner, if the source submits to IDEM, OAM, a reasonable written explanation within five (5) days prior to the end of the initial forty-five (45) day period.

The documentation submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- 20 C.9 (now C.10) (Compliance Schedule) has changed from page 17 of the proposed permit to be as follows on page 19 of the final permit:

C.10 Compliance Schedule [326 IAC 2-7-6(3)]

The Permittee:

- (a) **Has certified that all facilities at this source are in compliance with all applicable requirements; and Will continue to comply with such requirements that become effective during the term of this permit; and**
- (b) Has submitted a statement that the Permittee will continue to comply with such requirements; and
- (c) **Will comply with such applicable requirements that become effective during the term of this permit. Has certified that all facilities at this source are in compliance with all applicable requirements.**

21. C.10 (now C 11) (Compliance Monitoring) has changed from page 17 of the proposed permit to be as follows on page 19 of the final permit:

C.11 Compliance Monitoring [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]

Compliance with applicable requirements shall be documented as required by this permit. The Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment, no more than ninety (90) days after receipt of this permit. If due to circumstances beyond its control, this schedule cannot be met, the Permittee **may extend compliance schedule an additional ninety (90) days provided the Permittee shall** notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

in writing, **prior to the end of the initial ninety (90) day compliance schedule** ~~no more than ninety (90) days after receipt of this permit, with full justification of the reasons for the inability to meet this date. and a schedule which it expects to meet. If a denial of the request is not received before the monitoring is fully implemented, the schedule shall be deemed approved.~~

The notification which shall be submitted by the Permittee requires certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

22. C.11 (now C.12) (Monitoring Methods) has changed from page 18 of the proposed permit to be as follows on page 20 of the final permit:

C.12 Monitoring Methods [326 IAC 3]

Any monitoring or testing performed to meet the **applicable** requirements of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, or other approved methods as specified in this permit.

23. C.12 (Asbestos Abatement Projects) has been deleted. It is now C.8 (Asbestos Abatement Projects) and has been revised there.

~~C.12 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61.140]~~

- ~~(a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos-containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.~~
- ~~(b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:~~
 - ~~(1) When the amount of affected asbestos-containing material increases or decreases by at least twenty percent (20%), or~~
 - ~~(2) If there is a change in the following:~~
 - ~~(A) Asbestos removal or demolition start date,~~
 - ~~(B) Removal or demolition contractor, or~~
 - ~~(3) Waste disposal site.~~
- ~~(c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).~~
- ~~(d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).~~
- ~~All required notifications shall be submitted to:~~
 - ~~Indiana Department of Environmental Management~~
 - ~~Asbestos Section, Office of Air Management~~
 - ~~100 North Senate Avenue, P.O. Box 6015~~
 - ~~Indianapolis, Indiana 46206-6015~~
- ~~(e) Procedures for Asbestos Emission Control~~
 - ~~The Permittee shall comply with the emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(e). Per 326 IAC 14-10-4 emission control requirements are mandatory for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.~~
- ~~(f) Indiana Accredited Asbestos Inspector~~
 - ~~The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement that the inspector be accredited is federally enforceable.~~

24. C.13 (Risk Management Plan) has been moved from page 19 of the proposed permit to be as follows on page 20 of the final permit:

C.13 Risk Management Plan [326 IAC 2-7-5(12)] [40 CFR 68.215]

If a regulated substance, subject to 40 CFR 68, is present in a **process** in more than the threshold quantity, 40 CFR 68 is an applicable requirement and the Permittee shall:

- (a) Submit:
 - (1) A compliance schedule for meeting the requirements of 40 CFR 68 by the date provided in 40 CFR 68.10(a); or
 - (2) As a part of the compliance certification submitted under 326 IAC 2-7-6(5), a certification statement that the source is in compliance with all the requirements of 40 CFR 68, including the registration and submission of a Risk Management Plan (RMP); and
 - (3) A verification to IDEM, OAM, that a RMP or a revised plan was prepared and submitted as required by 40 CFR 68.
- (b) Provide annual certification to IDEM, OAM, that the Risk Management Plan is being properly implemented.

All documents submitted pursuant to this condition shall include the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

25 C.14 (Actions Related to Noncompliance Demonstrated by a Stack Test), has changed from page 19 of the proposed permit, by adding language to be as follows on page 20 of the final permit:

C.14 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-7-5] [326 IAC 2-7-6]

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate corrective actions. The Permittee shall submit a description of these corrective actions to IDEM, OAM, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize emissions from the affected facility while the corrective actions are being implemented. IDEM, OAM shall notify the Permittee within thirty (30) days, if the corrective actions taken are deficient. The Permittee shall submit a description of additional corrective actions taken to IDEM, OAM within thirty (30) days of receipt of the notice of deficiency. IDEM, OAM reserves the authority to use enforcement activities to resolve noncompliant stack tests.
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAM that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAM may extend the retesting deadline. Failure of the second test to demonstrate compliance with the appropriate permit conditions may be grounds for immediate revocation of the permit to operate the affected facility.

The documents submitted pursuant to this condition do not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

26. C 15 (Emission Statement) part (a) of the condition has changed from page 19 of the proposed permit to be as follows on page 21 of the final permit:

C.15 Emission Statement [326 IAC 2-7-5(3)(C)(iii)][326 IAC 2-7-5(7)][326 IAC 2-7-19(c)][326 IAC 2-6]

- (a) The Permittee shall submit an ~~certified~~ annual emission statement **certified pursuant to the requirements of 326 IAC 2-6**, that must be received by April 15 of each year and must comply with the minimum requirements specified in 326 IAC 2-6-4. The annual emission statement shall meet the following requirements:

- 27 C 17 (General Record Keeping Requirements) part (a) has changed from page 20 of the proposed permit to be as follows on page 22 of the final permit:

C 17 General Record Keeping Requirements [326 IAC 2-7-5(3)(B)] [326 IAC 2-7-6]

- (a) Records of all required monitoring data and support information shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be kept at the source location **for a minimum of three (3) years and available upon the request** ~~within one (1) hour upon verbal request of an IDEM, OAM, representative, for a minimum of three (3) years. They~~ **The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request providing they are made available within thirty (30) days after written request. If the Commissioner makes a written request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.**

- 28 C 18 (General Reporting Requirements) has changed from page 21 of the proposed permit to be as follows on page 23 of the final permit:

C.18 General Reporting Requirements [326 IAC 2-7-5(3)(C)]

- (a) To affirm that the source has met all the compliance monitoring requirements stated in this permit the source shall submit a Semi-annual Compliance Monitoring Report. Any deviation from the requirements and the date(s) of each deviation must be reported.

- (b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAM, on or before the date it is due.
- (d) Unless otherwise specified in this permit, any semi-annual report shall be submitted within thirty (30) days of the end of the reporting period.
- (e) All instances of deviations **as described in Section B- Deviations from Permit Requirements Conditions** must be clearly identified in such reports. ~~A reportable deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit or a rule. It does not include.~~

- 31 The Certification Form on page 24 of the proposed permit has deleted "Emergency/Deviation Occurrence Reporting Form", to be as follows on page 25 of the final permit

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR MANAGEMENT
COMPLIANCE DATA SECTION**

**PART 70 OPERATING PERMIT
CERTIFICATION**

Source Name: Elkhart Products, Inc.
Source Address: 700 Rainbow Road, Geneva, Indiana 46740
Mailing Address: PO Box 38, Geneva, Indiana 46740
Part 70 Permit No.: T001-6166-00022

This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.

Please check what document is being certified:

- ☐ Annual Compliance Certification Letter
- ☒ ~~Emergency/Deviation Occurrence Reporting Form~~
- ☐ Test Result (specify) _____
- ☐ Report (specify) _____
- ☐ Notification (specify) _____
- ☐ Other (specify) _____
-

- 46 The Emergency/Deviation Occurrence Reporting Form on page 26 of the proposed permit has deleted 'Attach a signed certification to complete this report from the bottom of the second page (page 27 of the final permit)

If any of the following are not applicable, mark N/A

Page 2 of 2

Date/Time Emergency/Deviation started:
Date/Time Emergency/Deviation was corrected:
Was the facility being properly operated at the time of the emergency/deviation? Y N Describe:
Type of Pollutants Emitted: TSP, PM-10, SO ₂ , VOC, NO _x , CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency/deviation:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by: _____
Title / Position: _____
Date: _____
Phone: _____

~~Attach a signed certification to complete this report.~~

- 47 The Quarterly Compliance Report from page 27 of the proposed permit is now called the Semiannual Compliance Monitoring Report, since only semiannual compliance reporting is required. The column marked "No Deviations" has been deleted and language has changed to be as follows on page 28 of the final permit:

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR MANAGEMENT
COMPLIANCE DATA SECTION**

**PART 70 OPERATING PERMIT
QUARTERLY SEMIANNUAL COMPLIANCE REPORT**

Source Name: Flexible Foam Products, Inc.
Source Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Part 70 Permit No.: T039-6058-00055

Months: _____ to _____ Year: _____

This report is an affirmation that the source has met all the **compliance monitoring** requirements stated in this permit. This report shall be submitted ~~quarterly~~ **semiannually**. Any deviation from the **compliance monitoring** requirements and the date(s) of each deviation must be reported. Additional pages may be attached if necessary. This form can be supplemented by attaching the Emergency/Deviation Occurrence Report. If no deviations occurred, please specify ~~zero in the column marked "No Deviations"~~ in the box marked "No deviations occurred this reporting period".

☐ **NO DEVIATIONS OCCURRED THIS REPORTING PERIOD**

☐ **THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD. LIST EACH COMPLIANCE MONITORING REQUIREMENT EXISTING FOR THIS SOURCE.**

Compliance Monitoring Requirement (e.g. Permit Condition D.1.3)	Number of Deviations	Date of each Deviation

Form Completed By: _____
Title/Position: _____
Date: _____
Phone: _____

Attach a signed certification to complete this report



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Frank O'Bannon
Governor

John M. Hamilton
Commissioner

COPY

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.idem.org

MEMORANDUM

TO: Interested Parties / Applicant

FROM: Paul Dubenetzky
Chief, Permits Branch
Office of Air Management

SUBJECT: Notice of Decision - APPROVAL

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 4-21.5-3-5(f), this order will become effective within eighteen (18) calendar days from the mailing of this notice unless a petition for review and a petition for stay of effectiveness is filed.

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204, within eighteen (18) calendar days from the mailing of this notice. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing: (1) The date the document is delivered to the Office of Environmental Adjudication (OEA). (2) The date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail. (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and the following: (1) the name and address of the person making the request; (2) the interest of the person making the request; (3) identification of any persons represented by the person making the request; (4) the reasons, with particularity, for the request; (5) the issues, with particularity, proposed for consideration at any hearing; (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

Pursuant to IC 4-21.5-3-5(d), the Office of Environmental Adjudication will provide you with notice of any prehearing conferences, preliminary hearing, hearings, stays, or orders disposing of the review of this decision if a written request is submitted to the Office of Environmental Adjudication at the above address. If you have procedural or scheduling questions regarding your petition, you may contact the Office of Environmental Adjudication at 317-232-8591. If you have any other questions regarding the enclosed document, please contact the Office of Air Management (OAM) at 317-233-0178.

Attachment

FNPERAM.WPD
1/22/97



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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John M. Hamilton
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(800) 451-6027
www.in.gov/idem

Mr. Jerry Eagon
Flexible Foam Products, Inc.
1900 West Lusher Avenue
Elkhart, Indiana 46515

March 25, 1999

Re: 039-10303
First Administrative Amendment to
Part 70 039-6058-00055

Dear Mr. Jerry Eagon:

Flexible Foam Products, Inc. was issued a Title V permit (T039-6058-00055) on September 24, 1998 for operating a stationary soft foam polyurethane block manufacturing plant. A letter requesting changes in the several conditions of the permit was received on November 5, 1998. Pursuant to the provisions of 2-7-11 the permit is hereby administratively amended as follows:

The name of the responsible official has changed. The section A.1 of the permit shall read (changes in bold):

A.1 General Information [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

The Permittee owns and operates a stationary soft foam polyurethane block manufacturing plant.

Responsible Official: ~~Loren Dahlberg~~ **Jerry Eagon**

An incorrect capacity was supplied in the application. The capacity changes from 0.37 tons per hour to 1.8 tons per hour. The section A.2 of the permit shall read (changes in bold):

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)] [326 IAC 2-7-5(15)]

This stationary source consists of the following emission units and pollution control devices:

- (1) One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks approximately three (3) feet thick and ten (10) feet wide, using methylene chloride as a blowing agent, with a maximum capacity of ~~0.37~~ **1.80** tons per hour, and 2,4-toluene diisocyanate (TDI), with a maximum capacity of 4.5 tons per hour, exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S-6, respectively.

The new section D.1 of the permit shall read (changes in bold):

One (1) continuous conveyor polyurethane foam line, identified as EU01, which

produces foam blocks approximately three (3) feet thick and ten (10) feet wide, using methylene chloride as a blowing agent, with a maximum capacity of ~~0.37~~ 1.80 tons per hour, and 2,4-toluene diisocyanate (TDI), with a maximum capacity of 4.5 tons per hour, exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S6, respectively. This continuous conveyor polyurethane foam line was constructed in May 1977.

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this amendment with the original permit.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3.5. If you have any questions on this matter, please contact Shantanu Pahi, at (800) 451-6027, press 0 and ask for Shantanu Pahi or extension 3-0868, or dial (317) 233-0868.

Sincerely,



Paul Dubenetzky, Chief
Permits Branch
Office of Air Management

Spahi

enclosed: Amended Title V pages (2 pages)

cc: File - Elkhart County
Elkhart County Health Department
IDEM- Northern Regional Office
Air Compliance Section Inspector - Doug Elliott
Compliance Data Section - Jerri Curless
Permit Tracking - Janet Mobley
Air Programs Section - Nancy Landau



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(800) 451-6027
www.in.gov/idem

PART 70 OPERATING PERMIT OFFICE OF AIR MANAGEMENT

**Flexible Foam Products, Inc.
1900 West Lusher Avenue
Elkhart, Indiana 46515**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-7 and 326 IAC 2-1-3.2 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

Operation Permit No.: T039-6058-00055	
Issued by: Felicia R. George, Assistant Commissioner Office of Air Management	Issuance Date: September 24, 1998
First Administrative Amendment: AA 039-10303	Pages Affected: 4 and 23
Issued by: <i>Paul Dubenetzky</i> Paul Dubenetzky, Branch Chief Office of Air Management	Issuance Date: March 25, 1999

SECTION A

SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Management (OAM). The information describing the source contained in conditions A.1 through A.3 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

A.1 General Information [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

The Permittee owns and operates a stationary soft foam polyurethane block manufacturing plant.

Responsible Official: Jerry Eagon
Source Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
Mailing Address: 1900 West Lusher Avenue, Elkhart, Indiana 46515
SIC Code: 3086
County Location: Elkhart
County Status: Attainment for all criteria pollutants
Source Status: Part 70 Permit Program
Minor Source, under PSD Rules;
Major Source, Section 112 of the Clean Air Act

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)] [326 IAC 2-7-5(15)]

This stationary source consists of the following emission units and pollution control devices:

- (1) One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks approximately three (3) feet thick and ten (10) feet wide, using methylene chloride as a blowing agent, with a maximum capacity of 1.80 tons per hour, and 2,4-toluene diisocyanate (TDI), with a maximum capacity of 4.5 tons per hour, exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S-6, respectively.

This continuous conveyor polyurethane foam line was constructed in May 1977.

A.3 Specifically Regulated Insignificant Activities [326 IAC 2-7-1(21)] [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

This stationary source does not currently have any insignificant activities, as defined in 326 IAC 2-7-1 (21) that have applicable requirements.

A.4 Part 70 Permit Applicability [326 IAC 2-7-2]

This stationary source is required to have a Part 70 permit by 326 IAC 2-7-2 (Applicability) because:

- (a) It is a major source, as defined in 326 IAC 2-7-1(22);
- (b) It is a source in a source category designated by the United States Environmental Protection Agency (U.S. EPA) under 40 CFR 70.3 (Part 70 - Applicability).

SECTION D.1

FACILITY OPERATION CONDITIONS

One (1) continuous conveyor polyurethane foam line, identified as EU01, which produces foam blocks approximately three (3) feet thick and ten (10) feet wide, using methylene chloride as a blowing agent, with a maximum capacity of 1.80 tons per hour, and 2,4-toluene diisocyanate (TDI), with a maximum capacity of 4.5 tons per hour, exhausting to six (6) stacks, identified as S-1, S-2, S-3, S-4, S-5, and S-6, respectively. This continuous conveyor polyurethane foam line was constructed in May 1977.

Emission Limitations and Standards [326 IAC 2-7-5(1)]

D.1.1 General Reduction Requirements for New Facilities [326 IAC 8-1-6]

Any change or modification which may increase the potential emissions to twenty-five (25) tons per year or more of VOC's must be approved by the Office of Air Management before such change may occur.

Compliance Determination Requirements

D.1.2 Testing Requirements [326 IAC 2-7-6(1)]

Testing of this facility is not specifically required by this permit. This does not preclude testing requirements on this facility under 326 IAC 2-7-5 and 326 IAC 2-7-6.

Record Keeping Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

D.1.3 Record Keeping Requirements

- (a) The Permittee shall maintain monthly records in accordance with (1) through (6) below and by using the following equation:

HAPS emission rate (tons/yr) = Density (lb/gal) * Gal of Material (gal/unit) * Maximum (unit/hr) * Weight % HAP * 8760 hrs/yr * 1 ton/2000 lbs

- (1) The HAP's (Methylene Chloride) amount and content of each coating material and solvent used. Records shall include purchase orders, invoices, and material safety data sheets (MSDS) necessary to verify the type and amount used. Solvent usage records shall differentiate between those added to coatings and those used as cleanup solvents;
 - (2) A log of the dates of use;
 - (3) The volume weighted HAP's (Methylene Chloride) content of the coatings used for each month;
 - (4) The cleanup solvent usage for each month;
 - (5) The total HAP's (Methylene Chloride) usage for each month; and
 - (6) The weight of HAP's (Methylene Chloride) emitted for each compliance period.
- (b) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Frank O'Bannon
Governor

John M. Hamilton
Commissioner

Exhibit D (3)

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.idem.org

JAN 11 1999

Dear Notifier:

Enclosed you will find the United States Environmental Protection Agency (U.S. EPA) Identification (ID) number that has been assigned to your location. You will find your twelve character ID number on the top portion of the enclosed notification form. This ID number acknowledges that you have filed a Notification of Regulated Waste Activity form for the installation referenced on the notification form to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). This ID number must be included on all shipping manifests for transporting hazardous waste, on all correspondence, and on all reports required under Subtitle C of RCRA by the U.S. EPA and 329 IAC 3.1.

Please carefully review your status to determine whether the box you have checked is correct for your installation. If you checked Box 1a of Section VIII A, "Greater than 1000kg/mo (2,000 lbs)" you are a large quantity generator producing over 1,000 kg/mo (2,200 lbs). Large quantity generators are subject to all applicable regulations under Subtitle C of RCRA and 329 IAC 3.1, including the Biennial Report. You are also subject to annual Generator fees under Indiana statute IC 13-22-12-3. If you determine Box 1a was checked in error, you can change your status to either a Small Quantity Generator (100-1,000 kg/mo) or a Conditionally Exempt Generator (less than 100 kg/mo) by notifying the Indiana Department of Environmental Management (IDEM) in writing at P. O. Box 7035, Indianapolis, Indiana 46207-7035. Please indicate which generator category is correct for your installation.

Please note that the U.S. EPA number is site-specific. If your installation changes locations, a new Notification of Regulated Waste Activity form must be completed in order to obtain a new ID number. If your installation has changed ownership, a subsequent notification must be filed to allow the new owner to use the ID number.

If the purpose of your notification is for a one-time disposal for a cleanup, underground storage tank removal, etc., please notify IDEM in writing upon completion of the project. IDEM will deactivate the ID number at that time. Any other notification changes not mentioned can be sent to IDEM by letter.

If you have any questions regarding hazardous waste activity, please contact me at 317/232-7956 or Ms. Jenny Ranck Dooley at 317/232-8925.

Sincerely,

Marilyn J. Hansen, Environmental Manager
Waste Data Analysis and Planning
Operations Branch
Solid and Hazardous Waste Management

Enclosure

© 1993

ATTENTION

IMPORTANT INFORMATION ENCLOSED



**THIS IS YOUR EPA IDENTIFICATION NUMBER.
PLEASE CONTACT YOUR HAULER
IMMEDIATELY & NOTIFY THEM OF YOUR NUMBER.**

Please refer to Section V, Line-by-Line Instructions for Completing EPA Form 8700-12 before completing this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).



Notification of Regulated Waste Activity

United States Environmental Protection Agency

Date Received
(For Official Use Only)

JAN 11 1998

I. Installation's EPA ID Number (Mark 'X' in the appropriate box)



A. Initial Notification

B. Subsequent Notification
(Complete Item C)

C. Installation's EPA ID Number

IND990872913

II. Name of Installation (Include company and specific site name)

FLEXIBLE FOAM PRODUCTS INC

III. Location of Installation (Physical address not P.O. Box or Route Number)

Street

1900 LUSHER AVE

Street (Continued)

City or Town

ELKHART

State

IN

Zip Code

46515-

County Code

County Name

USA

ELKHART

039

IV. Installation Mailing Address (See instructions)

Street or P.O. Box

P O BOX 2057

City or Town

ELKHART

State

IN

Zip Code

46515-

V. Installation Contact (Person to be contacted regarding waste activities at site)

Name (Last)

WHITTAKER

(First)

SCOTT

Job Title

TECHNICAL MGR

Phone Number (Area Code and Number)

219-294-7694

VI. Installation Contact Address (See instructions)

A. Contact Address
Location Mailing

B. Street or P.O. Box

P O BOX 2057

City or Town

ELKHART

State

IN

Zip Code

46515-

VII. Ownership (See instructions)

A. Name of Installation's Legal Owner

OHIO DECORATIVE PRODUCTS INC

Street, P.O. Box, or Route Number

220 S ELIZABETH ST

City or Town

SPENCERVILLE

State

OH

Zip Code

45887-

Phone Number (Area Code and Number)

419-647-4191

B. Land Type

P

C. Owner Type

P

D. Change of Owner Indicator

Yes

X

No

(Date Changed)

Month

Day

Year

[illegible]

VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to Instructions)

A. Hazardous Waste Activity

B. Used Oil Recycling Activities

1. Generator (See Instructions)

☐ a. Greater than 1000kg/mo (2,200 lbs.)

☐ b. 100 to 1000 kg/mo (220-2,200 lbs.)

☒ c. Less than 100 kg/mo (220 lbs.)

2. Transporter (Indicate Mode in boxes 1-5 below)

☐ a. For own waste only

☐ b. For commercial purposes

Mode of Transportation

☐ 1. Air

☐ 2. Rail

☐ 3. Highway

☐ 4. Water

☐ 5. Other - specify

☐ 3. Treater, Storer, Disposer (at installation) Note: A permit is required for this activity, see instructions.

4. Hazardous Waste Fuel

☐ a. Generator Marketing to Burner

☐ b. Other Marketers

☐ c. Boiler and/or Industrial Furnace

☐ 1. Smelter Deferral

☐ 2. Small Quantity Exemption

Indicate Type of Combustion Device(s)

☐ 1. Utility Boiler

☐ 2. Industrial Boiler

☐ 3. Industrial Furnace

☐ 5. Underground Injection Control

1. **Used Oil Recycling Marketer**
 - ☐ a. Marketer Directs Shipment of Used Oil to Off-Specification Burner
 - ☐ b. Marketer Who First Claims the Used Oil Meets the Specifications
2. **Used Oil Burner - Indicate Type(s) of Combustion Device**
 - ☐ a. Utility Boiler
 - ☐ b. Industrial Boiler
 - ☐ c. Industrial Furnace
3. **Used Oil Transporter - Indicate Type(s) of Combustion Device(s)**
 - a. Transporter
 - b. Transfer Facility
4. **Used Oil Processor/Re-refiner - Indicate Type(s) of Activity(ies)**
 - ☐ a. Process
 - ☐ b. Re-refine

IX. Description of Regulated Wastes (Use additional sheets if necessary)

A. Characteristics of Nonlisted Hazardous Wastes. (Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles; See 40 CFR Parts 261.20 - 261.24)

- | | | | | |
|--------------------------------|--------------------------------|-------------------------------|---------------------------------------|---|
| 1. Ignitable
(D001) | 2. Corrosive
(D002) | 3. Reactive
(D003) | 4. Toxicity
Characteristic | (List specific EPA hazardous waste number(s) for the Toxicity characteristic contaminant(s)) |
| □ | □ | □ | □ | <div style="display: flex; justify-content: space-between;"> [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] </div> |

B. Listed Hazardous Wastes. (See 40 CFR 261.31 - 33; See instructions if you need to list more than 12 waste codes.)

1			
U	2	2	3
7			

2			
F	0	0	2
8			

3			
9			

4			
10			

5			
11			

6			
12			

C. Other Wastes. (State or other wastes requiring a handler to have an I.D. number; See instructions.)

1	2	3	4	5	6

X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature 

Name and Official Title (Type or print)
Curt Baker, C.H.M.M., Envir. Coord.

Date Signed
1/4/99

XI. Comments

Note: Mail completed form to the appropriate EPA Regional or State Office. (See Section III of the booklet for addresses.)



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Frank O'Bannon
Governor

John M. Hamilton
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

To: New Hazardous Waste Notifiers

From: IDEM Hazardous Waste Compliance Program

Subject: Compliance Assistance

Attached please find guidance material on some of the basic aspects of the RCRA hazardous waste management program. The following materials are included:

- **Access IDEM** pamphlet
- guidance sheet on **Used Oil**
- guidance sheet on **Universal Waste**
- Understanding the **Hazardous Waste Determination Process**
- Understanding the **Hazardous Waste Rules**
- Understanding the **Hazardous Waste Compliance Process**
- list of other available guidance documents

The **Access IDEM** pamphlet describes how you can access the IDEM Internet site and/or FaxBack system where there are also directories of other resources available. We also urge you to contact IDEM's Hazardous Waste Compliance Branch at 317- 232-4518 or the IDEM toll free information number at 1-800/451-6027 if you have any questions or require any further information.



**Indiana Department of Environmental Management
Pollution Prevention Program**
*Indiana's preferred alternative for environmental
Protection and economic success*

Department of Environmental Management
Office of Pollution Prevention and Technical Assistance
150 West Market Street, Suite 703
P.O. Box 6015
Indianapolis Indiana 46206-6015

Telephone 317-232-8172
Toll Free 800-451-6027 X 2-8172
Fax 317-233-5627
IDEM Online:
<http://www.ai.org.idem>

*** Origin of IDEM's Pollution Prevention Program**

In 1990 the Industrial Pollution Prevention and Safe Materials Act was passed and signed into law. The Act, as amended in 1997, is designed to shift Indiana's environmental protection effort from an emphasis on pollution control to one that focuses on the more environmentally and economically sound approach of pollution prevention. On July 1, 1990, the IDEM, Office of Pollution Prevention and Technical Assistance (OPPTA) formally began operations.

The OPPTA is responsible for integrating pollution prevention as a voluntary option into the regulatory process, providing technical assistance, maintaining a technical resource center, and conducting broad-based educational programs.

*** Pollution prevention means:**

"Source reduction," as defined under the Federal Pollution Prevention Act (1990), and Other practices that reduce or eliminate the creation of pollutants through:
Increased efficiency in the use of raw materials, energy, water, or other resources, or
Protection of natural resources by conservation.

Source reduction, as defined under the Pollution Prevention Act, is any practice which:
Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream, or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal, and
Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

*** Pollution prevention may include:**

Equipment or technology modifications, Process or procedure modifications, Reformulation or redesign of products, Substitution of raw materials, and Improvements in housekeeping, maintenance, training, or inventory control.

*** Pollution prevention does not include:**

Recycling, Energy recovery, Treatment, or Disposal

Some practices commonly described as "in process recycling" may qualify as pollution prevention. Recycling that is conducted in an environmentally sound manner shares many of the advantages of prevention - it can reduce the need for treatment or disposal and conserve energy and resources.

Pollution Prevention approaches can be applied to all pollution - generating activities, including those found in the energy, agricultural, government, consumer, as well as industrial sectors.

Pollution Prevention decreases the risk of exposure for workers and others within industrial processes while also reducing the risk of accidents and environmental harm.

Pollution Prevention does not include processes that create new risks to human health or the environment.

In the agricultural sector, pollution prevention approaches may include: Reducing the use of water and chemical inputs, adoption of less environmentally harmful pesticides or cultivation of crop strains with natural resistance to pests, and protection of sensitive areas.

In the energy sector, pollution prevention can reduce environmental damages from extraction, processing, transport, and combustion of fuels. Such approaches may include: Increasing efficiency in energy use, substituting environmentally benign fuels, and design changes that reduce the demand for energy.

Pollution prevention does not include any practice: which alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant, through a process or activity, which itself is not integral to and necessary for the production of a product or the providing of a service.

* **How is the OPPTA assisting Indiana to move towards Pollution Prevention?**

The OPPTA:

- * **Incorporates** pro-active, and voluntary pollution prevention, initiatives within the regulatory programs of the Indiana Department of Environmental Management;
- * **Provides** confidential, regulatory, and pollution prevention technical assistance;
- * **Administers** the annual "Governor's Awards for Excellence in Pollution Prevention;
- * **Coordinates** challenge grants for pollution prevention case studies and pilot projects;
- * **Promotes** the advantages of pollution prevention through educational endeavors;
- * **Maintains** a technical resource and referral service for pollution prevention information.

To Learn How You Can Benefit From Pollution Prevention, Call

IDEM /OPPTA, Toll Free at: 1-800-451-6027 ext. 8172.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

Exhibit D (4)

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

June 17, 2005

65-42 PS/AB

Mr. Jerry Eagon
Flexible Foam Products
1900 West Lusher Ave
Elkhart, IN 46517

Dear Storm Water General Permit Applicant:

Re: Notice of Sufficiency (NOS)
Flexible Foam Products
Elkhart, IN
Old Permit #

The Notice of Intent (NOI) letter submitted to the Indiana Department of Environmental Management (IDEM) is sufficient to comply with the NOI letter requirements of the NPDES general permit rule for storm water discharge associated with industrial activity, 327 IAC 15-6.

An NPDES general permit identification number is being assigned to each facility that has submitted an NOI to comply with 327 IAC 15-6. **This number will be used as an identification number and should be included on any type of correspondence or amended NOI letter submitted to IDEM relating to the NPDES general permit for storm water.** The general permit number assigned to this facility is:

INR230138

All requirements in the general permit rule must be implemented on schedule. If you have any questions regarding this letter or the storm water general permit requirements, please contact Ms. Alison Beumer at 317/233-0202 or 1-800-451-6027 ext. 30202.

Sincerely,

Cynthia L. Wagner, Chief
Wet Weather Section
Office of Water Quality

OPTIONAL FORM 99 (7-90)		# of pages 1
FAX TRANSMITTAL		
To CLINT BAKER	From R. BRAUN	
Dept./Agency	Phone #	
Fax #	Fax #	
NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION		